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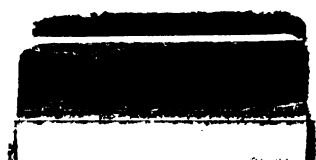
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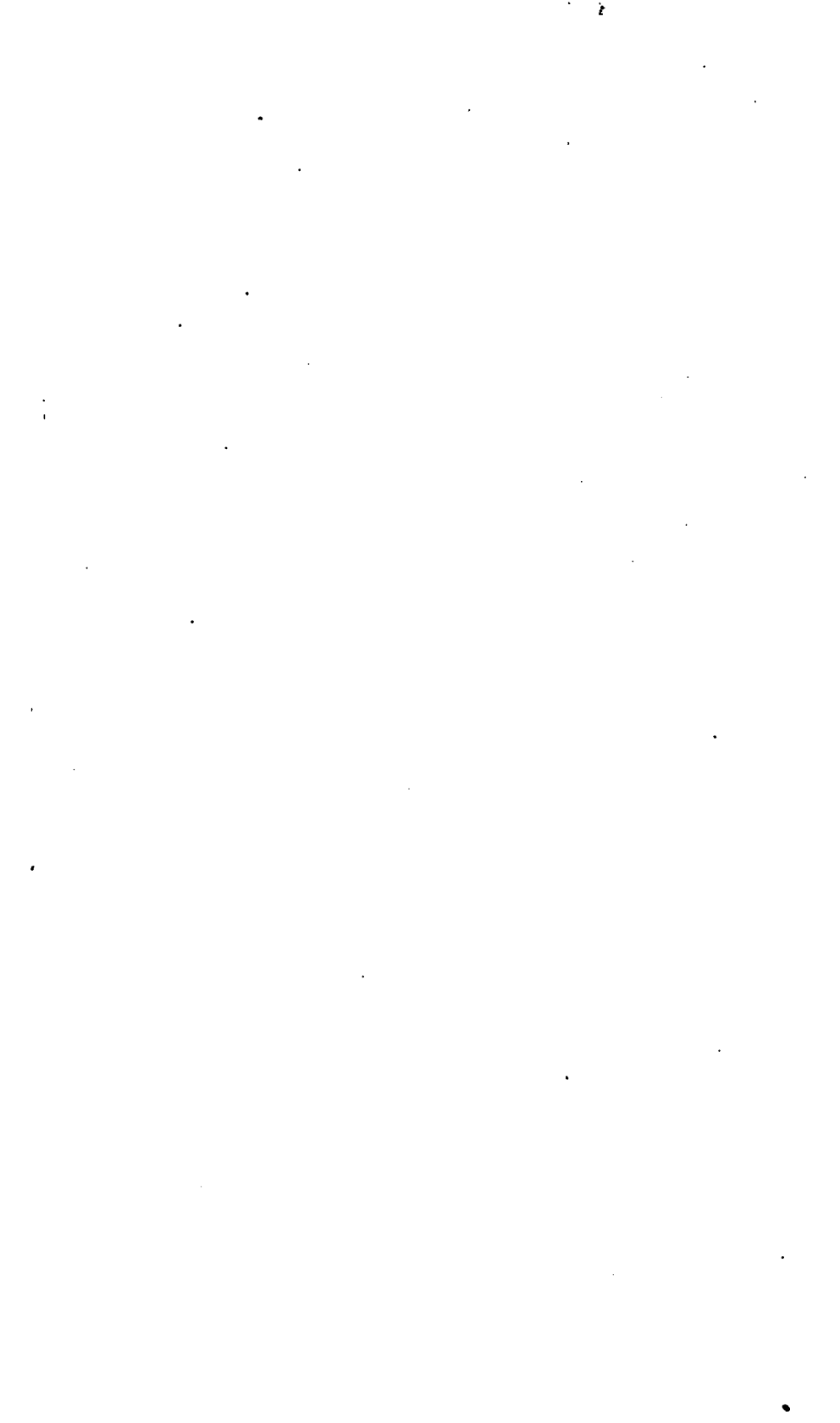
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SPEECHES,
CORRESPONDENCE, ETC.,
OF THE LATE
DANIEL S. DICKINSON,
OF NEW YORK.

INCLUDING:
ADDRESSES ON IMPORTANT PUBLIC TOPICS; SPEECHES IN
THE STATE AND UNITED STATES SENATE, AND IN SUP-
PORT OF THE GOVERNMENT DURING THE REBEL-
LION; CORRESPONDENCE, PRIVATE AND
POLITICAL (COLLECTED AND ARRANGED
BY MRS. DICKINSON), POEMS (COL-
LECTED AND ARRANGED BY
MRS. MYGATT), ETC.

EDITED, WITH A BIOGRAPHY, BY HIS BROTHER,
JOHN R. DICKINSON.

IN TWO VOLUMES.

VOL. I.

NEW YORK:
G. P. PUTNAM & SON, 661 BROADWAY.
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TO
THOSE WHO WERE THE FRIENDS,
PERSONAL AND POLITICAL,
OF DANIEL S. DICKINSON;
TO THE LOVERS OF
THE UNION,
THROUGHOUT ITS WHOLE EXTENT;
THIS COLLECTION OF SPEECHES,
SO LARGELY DEVOTED
TO ITS DEFENCE AND MAINTENANCE,
IS RESPECTFULLY
DEDICATED.

424886



PREFACE.

UPON the suggestion of numerous friends, preparations for the publication of the speeches of Mr. Dickinson were commenced some five years since, during his lifetime. The material for the purpose was then placed in my hands, and some progress made with the earlier portions. My removal from New York, and consequently from the convenience of intercourse with him, and the stirring and absorbing events then claiming his attention, occasioned a postponement of the design, intended, however, to be only temporary. Since his sudden and lamented death, their publication, on many accounts, has been thought desirable and proper; embracing, as they do, discussions of most of the great questions, events, and policies of government, that for the last twenty years have agitated the country, divided parties, produced and subdued a rebellion of gigantic dimensions; and having, it is believed, had their full influence upon public sentiment and affairs, they are presented, with only the apology that is due to the manner in which the duties of editor have been discharged. The political speeches of Mr. Dickinson were rarely, if ever, written out or even read by him before their introduction to the public in print, being mostly the reproduction of the reporter's hasty draft from his short-hand notes. While this has made the task of preparation for the press much more difficult, it will account in some degree for such deficiencies as may appear in its execution.

The addition of a collection of private correspondence and poems did not enter into the original plan, but was adopted on later consideration. I am happy that the idea originated and has been carried out. It supplements the mere outline of biography attempted, showing the habits of thought and action, the motives of conduct, the cares, joys, labors, purposes, and aspirations; the beginnings, efforts, and progress of

a life of ceaseless and diversified activity, in a manner that no biography, however elaborate, could supply.

The correspondence (aside from the political portions) has been collected and prepared for the press by Mrs. Dickinson, with the assistance of her daughters, Mrs. Courtney and Mrs. Mygatt; the poems have been arranged by Mrs. Mygatt, and arrangements for the publication made and supervised in New York by Mrs. Courtney. It will thus be seen that the work, in its several parts and as a whole, is designed as a tribute of affection and reverence—a memorial to one who, however high he may have stood in the estimation of his countrymen, was most esteemed by those who knew him most intimately. J. R. D.

CHICAGO, August, 1867.

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BIOGRAPHICAL SKETCH.

DANIEL STEVENS DICKINSON was born in the town of Goshen, Litchfield county, Connecticut, September 11, 1800. He was the fourth in a family of eight children. His parents, both natives of Connecticut, were of English ancestry. His father, Daniel T. Dickinson, was a farmer of moderate means; a man of intelligence and probity, and of great energy and decision of character. His mother, whose maiden name was Mary Caulkins, possessed the qualities of a good mind, a kind and benevolent disposition and unaffected religious sentiment, and discharged, in her sphere, with fidelity and devotion, all the duties of a life of practical worth and usefulness. In 1806 the family removed to Chenango county in the State of New York, and settled in the east part of Oxford, now the town of Guilford. The country was then new, and the hardships, adventures, and privations of pioneer life were to be encountered. Here the subject of this sketch passed his youth, mostly in the hardy and laborious occupations of the farm; but the parents brought with them to their new home their New England love for social order, and mental, moral and material improvement, and became early interested in procuring for their children the best advantages of education that they could command. The first school organized in the neighborhood was taught in a room of their dwelling. But their means and the literary resources of the country did not enable them to go beyond the facilities afforded by the common schools, and those of a system then in its infancy. By making the most of these, how-

ever, aided by home instruction and encouragement, he succeeded, between the whiles of labor, in laying the foundation of a thoroughly practical education, more useful than many acquirements of greater show and pretension; and from this beginning, by pursuing a system of self-education and extensive reading, aided by a fine literary taste, he became a thorough English scholar, well versed in the classics, and familiar with poetry, history, political economy, the various branches of science and general literature.

At a very early age his inclination evidently led him to debate, with himself, the possibility of making the legal profession his future occupation, and to form plans with that object in view; but the *entrée* to the profession was then much more difficult than it has since become; and his father, who regarded practical manual labor of some kind as the truest sphere of usefulness, did not encourage his aspirations. At about the age of sixteen or seventeen, he was apprenticed to a worthy mechanic, a clothier or cloth dresser, and became well skilled in the trade, though he never pursued it to any extent after serving out his apprenticeship.

In 1820 he commenced teaching, and was thus engaged, in both the common, and in select schools, a considerable portion of the time up to 1825. The employment was congenial, and he was both popular and successful as a teacher. During this time he learned, without an instructor, the art of land surveying, in which he became proficient as a practical surveyor. While engaged in teaching he also devoted a portion of the time to the study of the law, which he continued afterwards in the office of Clark & Clapp, Esqs., at Norwich; the senior member of the firm, the late Hon. Lot Clark, then being a leading lawyer of Central New York.

In 1828 he was admitted to the bar of the Supreme Court, and to the Court of Chancery, and commenced practice at Guilford, where he held at the time the office of postmaster.

In December, 1831, seeking a more extensive field of business, he removed to Binghamton, the county seat of Broome county, New York, where he continued to reside the remainder of his life. Here he entered at once upon a large legal practice, and soon took rank among the prominent lawyers of the State. He also took an active part in the organizations of the Democratic party, with which he had been identified from his earliest political action.

In 1834, on the municipal organization of Binghamton, he was elected its first President. In 1835, he was a member of the Democratic National Convention, at Baltimore, which nominated Van Buren and Johnson for President and Vice President.

He was elected to the State Senate in 1836, from what was then the 6th Senate District, composed of the counties of Chenango, Broome, Tompkins, Tioga, Chemung, Steuben, Livingston, Allegany and Cattaraugus. The term commenced Jan. 1, 1837, and continued four years; during which he served as Senator and Member of the Court for the Correction of Errors, the highest judicial tribunal of the State. In both capacities, as a legislator and as a jurist, he maintained a prominent rank. He took a leading part in the many important subjects that came before the Legislature for adjustment; prominent among which, were the financial questions growing out of the discontinuance of the United States Bank, and the establishing of the Independent Treasury, to which the State policy had to be conformed; the small-bill law; the bank-suspension law; various measures in reference to the enlargement of the Canals, and for the construction of the Erie Railroad, in which he took especial interest. As a debater he was found ready and effective. His speech on the usury laws is a good specimen of his style and powers of debate at this time. It may be truly said to conclude argument on the question. As a judicial writer his opinions, delivered in the Court for the Correction of Errors, to be found

in the law reports of the State, are characterized by clearness and ability. Discarding mere technicalities, they go to the merits of the question, and vindicate the law as having its best foundation in sound and practical common sense.

His course in the Senate was so well approved that the Democratic State Convention of 1840 nominated him for Lieutenant Governor. The election was that at which Mr. Van Buren ran, as the Democratic candidate, for President, against General Harrison; and the whole Democratic ticket, State and National, was defeated, though Mr. Dickinson received five thousand more votes in the State than the Democratic Presidential ticket. In 1842, his name being again brought forward in connection with the office of Lieut. Governor, he published a letter in advance of the meeting of the Convention, declining to be a candidate; but he was nevertheless unanimously nominated, and was elected by twenty-five thousand majority. As Lieut. Governor he became President of the Senate; Presiding Judge of the Court of Errors; Member of the Canal Board; Regent of the University, &c. The term continued till December 31, 1844, and the various duties imposed by the office were so discharged as to add to the reputation he had gained in the Senate.

In the Presidential campaign of 1844, he was a delegate to the Democratic National Convention, and afterwards canvassed the State for Polk and Dallas, the Democratic candidates, advocating as a prominent issue in the contest, the annexation of Texas. He was one of the State Electors, and assisted, in the Electoral College, in casting the vote of New York for the successful candidates.

In December 1844, he was appointed by Governor Bouck to the United States Senate, in place of Hon. N. P. Tallmadge, who had resigned the seat, and immediately proceeded to Washington in discharge of the duties of the appointment. The term for which Mr. Tallmadge was elected expired on the 3d of March, 1845, and on the meeting of the Legislature Mr.

Dickinson was elected for the unexpired term and also for the succeeding regular term of six years; during which, up to March 3d, 1851, he continued a member of the Senate. For several years in succession he was Chairman of the Committee of Finance of that body, a leading and responsible position; and he took a leading part in all the prominent measures that occupied the attention of Congress during his term of service, which embraced some of the most eventful years of the national history. The annexation of Texas; the war with Mexico; the settlement of the Oregon difficulty with Great Britain; the Clayton-Bulwer treaty; the questions growing out of the acquisition of territory; the compromise measures of 1850, including the formation of governments for New Mexico, California and Oregon, were some of the principal. Of the local measures in which his constituents were more immediately interested, the bill to establish a mint in the City of New York was the most prominent. He gave it an active and earnest support, and succeeded in securing its adoption in the Senate; but though of so obvious public utility, and to the government a measure of self-justice, it was defeated in the House of Representatives, by adverse local interests and jealousies, as it has been in one or the other branch of Congress on so many other occasions.

The first subject of general interest that claimed his attention in Congress was the proposition to authorize the annexation of Texas; and the speech he made in its advocacy, and in explanation of his views upon the question, was his first effort of any importance in the Senate. It was received with respectful attention, and gave him at once a favorable standing in that august body. The measure by which that large area, legitimately belonging to the United States, was saved from falling under foreign protection or becoming the hot bed of foreign intrigue, in either event to our great annoyance and the prejudice of our national interests, was opposed on various

grounds, and most strenuously by those who were extreme in their views on the subject of slavery. Occasionally one of the same class, at this day, insists on fighting the battle over, charging to its adoption great influence in producing the Rebellion; but it would be difficult to explain how the act of annexation can be any more justly arraigned as influencing, or as a cause, of the Rebellion, than the original purchase of Louisiana or the acquisition of Florida, and their incorporation into the Union; and certain it is, that the number has always been exceedingly small of those who, at any time or under any circumstances, would consent that the act of annexation should be abrogated. Mr. Dickinson opposed the Oregon treaty, by which, as he contended, Great Britain gained several degrees of territory rightfully belonging to the United States, and a pretext for claiming more. He also opposed that interminable diplomatic muddle, the Clayton-Bulwer treaty.

On the 14th of December, 1847, he introduced into the Senate his resolutions on the subjects of the acquisition of territory and the formation of territorial governments. They appear at length in the speech he subsequently made in support of the principles they embodied. In their primary aspect they were designed to meet the question of acquisition, which was about to arise as one of the results of the war with Mexico, and was beginning to excite discussion; in their secondary, to offer a solution of the controversy which the introduction of the Wilmot proviso, at the preceding session, had occasioned. Their introduction was the first public announcement of the doctrine of "popular sovereignty," as it has been called; and though the progress of events soon raised the same questions practically, and therefore no direct action was taken upon them, the doctrines put forth were finally approved by Congress, and made the basis of the Compromise measures of 1850; became the Democratic creed on the subject of slavery in the Territories, and were triumphantly

sustained by the people in the succeeding national elections.

In 1848, Mr. Dickinson was a member of the Democratic national convention at Baltimore, which nominated General Cass for the presidency, and was followed by the "free soil" defection in New York. He supported General Cass with zeal and energy in the canvass, as he did the National Democratic creed and organization throughout that ill-starred controversy.

In the session of 1850, the excitement and irritation growing out of the question of slavery in the Territories having increased to an alarming extent, in and out of Congress, Mr. Clay introduced into the Senate a proposition for "an amicable arrangement of all questions in controversy between the free and the slave States, growing out of the subject of slavery;" and a Select Committee of Thirteen was organized, to which the whole matter was referred. Mr. Dickinson was a member of this committee. Besides Mr. Clay, the chairman, Mr. Webster, General Cass, Mr. W. R. King, Mr. Clayton, and others of the oldest, ablest, and most conspicuous of the Senators were his associates. He united heartily and earnestly with these eminent men in giving their best efforts to the accomplishment of the great object. The contest was opened in January, 1850, and continued during nearly eight months of gloom and excitement, and was happily brought to a close by the passage of bills, admitting California to the Union as a State; defining the boundaries of Texas; organizing the Territories of New Mexico and Utah by acts silent on the subject of slavery; prohibiting the slave trade in the District of Columbia, and amending the fugitive slave law. A large majority of the people, North and South, were satisfied with these measures, and hailed their adoption as the dawning of a brighter day. But in spite of the patriotic efforts of those who labored for the realization of this just expectation, it was des-

tined to disappointment. Party politics and office-seeking schemes, aided by the clamors of those of extreme views on either side of the slavery question, prevented a permanent "amicable arrangement." After a brief interval of quiet, the floodgates of strife were again forced open.

During the session of 1850, Mr. Dickinson was tendered the honor of a public dinner by the Democrats of the counties of New York, Kings, Queens, Richmond, and Westchester. The letter of invitation was signed by the leading Democrats of the five counties, and held the following language:

"The occasion is sought for the purpose of giving full utterance to the sentiments of respect and confidence, with which your distinguished political services to our common country have inspired us.

* * * * *

"In the trying crisis through which the country, and we may add the cause of the world's freedom and of republicanism, is now passing, the state of New York is most fortunate in being represented in the Senate of the Union by one whose patriotism soars above the level of time-serving purposes, and whose eminent talents and moral worth command respect both in the State he represents and in the councils of the nation."

He visited New York in compliance with the invitation, and was received by committees from the various Democratic organizations with congratulatory addresses, approving of his course. The Common Council, numbering a majority of his political opponents, unanimously passed resolutions tendering him the "freedom of the city"; making him its guest during his stay, and thanking him for his public services in behalf of the city and the State. The resolutions were presented to him by the Mayor and a special committee from each branch of the Common Council. The complimentary dinner was given at Tammany Hall, and participated in by many prominent members of the Democratic party from all parts of the State. Several of the other States were also represented.

It was at the close of the session of 1850, that Mr. Webster addressed to him the letter of commendation which has been heretofore published, and so generally and justly admired. It

claims a place here as a most graceful and delicate exhibition of the best traits of a great and noble character. The unpleasant occurrences alluded to by Mr. Webster were some sharp passages in debate, which took place at an early period in their senatorial acquaintance. They both soon found reason to reconsider and regret their hasty expressions; and as men of truly generous impulses, they let no false pride stand in the way of their better-informed judgment. Mr. Dickinson's reply is given elsewhere. It was first published, upon the application of Edward Everett, in a collection of Mr. Webster's correspondence prepared for the press by his son, the late Colonel Fletcher Webster.

“WASHINGTON, September 27, '50.

“My Dear Sir :

“Our companionship in the Senate is dissolved. After this long and most important session, you are about to return to your home; and I shall try to find leisure to visit mine. I hope we may meet each other again, two months hence, for the discharge of our duties in our respective stations in the government. But life is uncertain: and I have not felt willing to take leave of you, without placing in your hands a note containing a few words which I wish to say to you.

“In the earlier part of our acquaintance, my dear sir, occurrences took place, which I remember with constantly increasing regret and pain; because the more I have known of you, the greater have been my esteem for your character and my respect for your talents. But it is your noble, able, manly and patriotic conduct, in support of the great measures of this session, which has entirely won my heart and secured my highest regard. I hope you may live long to serve your country; but I do not think you are ever likely to see a crisis, in which you may be able to do so much, either for your own distinction or for the public good. You have stood, where others have fallen; you have advanced with firm and manly step, where others have wavered, faltered, and fallen back; and for one, I desire to thank you and to commend your conduct out of the fulness of an honest heart.

“This letter needs no reply; it is, I am aware, of very little value; but I have thought you might be willing to receive it, perhaps to leave it where it would be seen by those who shall come after you.

“I pray you, when you reach your own threshold, to remember me most kindly to your wife and daughter; and I remain, my dear sir, with the truest esteem,

“Yr. friend and ob. serv't,

“DANL. WEBSTER.

“HON. DANL. S. DICKINSON,

“U. S. Senate.”

The following brief letter from Mr. Clay, at a later date, in allusion to the same period, is similar in sentiment. It was written while the great orator and statesman was suffering under his last illness, and but about three months before his death.

“WASHINGTON, March 3, 1852.

“*My Dear Sir :*

“I duly received your acceptable letter, expressing the sympathy of yourself and family on account of my present illness. Although perhaps a little improved in my health, there is no such radical change as to assure me with confidence of my final recovery. I hope your lady and daughter were benefited by their journey to the South last winter, and that they are in the enjoyment of good health.

“With many recollections of our friendly intercourse and of our mutual coöperations on a great occasion in the councils of our country, and with ardent hopes that your able, patriotic, and disinterested services may be remembered and rewarded by the country, I am faithfully your friend and obedient servant,

“H. CLAY.

“To the HON. DANIEL S. DICKINSON.”

In 1852 Mr. Dickinson was again a member of the Democratic National Convention which met at Baltimore. The first four days of the sitting, the convention failed to make a nomination. On assembling and resuming balloting the fifth day, the Virginia delegation brought forward his name and gave him the vote of that State for the presidency; but having accepted a seat in the convention as the friend and supporter of General Cass, whose name then stood at a hundred or upward in the balloting, he judged that he could not in honor even silently acquiesce in being himself made a candidate. He accordingly immediately rose in the convention, and amid a scene of great enthusiasm declined the proffered honor; though many of his friends and of the sound Democracy of the country regretted his decision, and have regretted it more and more as events in the history of the party and the country progressed. On the next ballot, Virginia, whose voice was then potential, brought forward in the same manner the name of General Pierce, and he was nominated and elected. From this occurrence it has been often said, and probably truly, that

Mr. Dickinson is the only man, hitherto, who has had the presidency within his reach, and declined it.

In 1853 he was appointed to the valuable and important office of Collector of the port of New York, but declined the appointment. From the expiration of his senatorial term, up to the breaking out of the Rebellion in the spring of 1861, he was devoted mainly to his professional business and home pursuits, and mingled less in political affairs; though in the presidential campaigns of 1852 and 1856 he supported the Democratic nominees upon the stump, in his own and in some of the other States.

Preceding the campaign of 1860, his name became prominently connected with the presidency for the next term. He was probably more generally and favorably spoken of, through the press and other organs of public and individual expression, in all sections of the Union, as the Democratic candidate, than any other person. The division and breaking up of the Democratic National Convention at Charleston, its adjournment to Baltimore, and final failure to make a united nomination, are facts well known; but the real history of that convention has not yet appeared, though it has been written in one of its aspects, that of ultimate results, in the best blood of the country and in widows' and orphans' tears. In the canvass Mr. Dickinson supported Mr. Breckinridge, who was then (though afterwards falling under the cloud and taint of rebellion and treason) unimpeached in his character as a friend of the country and the Union; but upon the failure of the Democratic National Convention to agree upon a candidate, he considered the field as virtually surrendered to the Republicans; and he did not favor the plan adopted in New York of making a combination electoral ticket, to be supported by the friends of all the anti-Republican candidates, however much they might differ upon matters of principle and policy; as he believed it unworthy of success, and equally unworthy

of men entertaining either political principles or personal preferences. After the election of Mr. Lincoln, and as the national political affairs began to assume a serious and threatening aspect, he exerted himself earnestly to avert the impending catastrophe. His letter to Messrs. Mason and Hunter of Virginia, in January, 1861,—really designed for the government and people of Virginia,—to awaken in them impulses corresponding with his own, and to lead to explanations and adjustments between sections, as well as leading individuals, was one of these efforts. But most unfortunately, his and all other endeavors in that direction failed of success, and the country was given over to be rent and scourged by the demon of civil war.

The first rebel gun fired at Sumter aroused anew all his love for the Union and awakened all his energy to meet the crisis. He was among the earliest of those who comprehended the situation and came to the support of the government, though the Administration was not of his party nor of his choice. He advocated from the first the most ample preparations and the thorough employment of the material strength of the nation, to combat by every means, and to put down at any cost, the head and front of armed treason;—avowing his determination to sink party preferences and every other consideration in those of saving the Union, maintaining the government and vindicating the national flag and the integrity of the national territory. He made the opening speech from the principal stand in front of the Washington Monument in Union Square, at the great Mass Meeting in New York, April 20, 1861, which pioneered the uprising of the North; and from that time onward, through the whole of the efforts for raising volunteers and means for the defence and support of the government, devoted himself unsparingly to the work; speaking day after day, frequently twice on the same day, with great popular effect, to large assemblies of the people in many of the counties of southern,

central and western New York; in New England, New Jersey, Pennsylvania and several of the Western States, and through the press to the people of the whole Union. Some of the best efforts of his life were produced in this patriotic work. His speeches, though so numerous, and following each other in such quick succession, were characterized by wonderful variety; each possessing in a large degree the freshness, originality and force of a new production. While rallying his fellow citizens, of all classes, to the support of the government, he took decided ground against keeping up party divisions; exhorting all loyal men, of whatever party, and especially all true Democrats, to come to the aid of the Administration, as the only agency available for national action in such a crisis, waiving all political distinctions and differences until the vastly paramount question of saving the country could be determined. The earnestness and force of his appeals, and his conspicuous example, were prominent among the causes which produced the wonderful unanimity at the North through the first year of the rebellion. Millions blessed his efforts. Loyalty and patriotic endeavor were strengthened and encouraged; faction and party spirit, abashed, retired from the scene, to crawl from their hiding places at a later day, when the delays, disappointments, mistakes and burdens of the war should render the cause of the country more exposed to their insidious and baleful influences.

Among the many and varied commendations of his course at this time, the following, from the Rev. Dr. Sprague, of Albany, is especially worthy of record here, as a beautiful tribute to his unselfish devotion to the cause of the country, from a source entirely removed from the influence of partisan politics; and as being in itself an expression of exalted patriotism, worthy alike of the eminent writer and of the recipient:—

“ALBANY, 6 Sept., 1861.

“*My Dear Sir:*

“I have been wishing for some time to write and thank you for the noble efforts which you have been putting forth in behalf of our distracted, riven, but

still glorious country. I am myself no politician, having never cast a political vote in my life; but my whole soul is in the present conflict, and I have no language to express my views and feelings so well as that which is supplied by your recent speeches. That you, who have been a politician all your life, should now so entirely merge the partisan in the patriot, and should forget all minor considerations in a heroic devotion to our great national interests (pardon me for saying it), will not only secure you the gratitude and reverence of all your loyal contemporaries, but will cause your name to be embalmed in the nation's inmost heart. I thank God for having raised you up to do this great work; and I thank you that you are doing it so heartily, honorably, and effectively. I am quite aware that I have no right to occupy you even for a moment, especially, as I am not sure that you will remember even to have ever seen me; but I could not help obeying the impulse to write what I have done, not doubting that you will excuse me on the ground that,

"I am yours with great regard,
and in the fellowship of a glowing patriotism—

"W. B. SPRAGUE

"HON. D. S. DICKINSON."

He also participated actively in raising troops for the war, in his vicinity, from which its full proportion was despatched. One Regiment, the 89th N. Y. Volunteers, raised under authority granted to him from the War Department, was named in his honor, "The Dickinson Guard," to which he presented a stand of colors. A battery raised at Binghamton and vicinity, under command of Capt. Lock, also bore his name, given in compliment to his services in the cause of the country.

The political campaign of 1861 in New York, took shape in the formation of a Union party, upon the sole issue of the support of the government in carrying on the war for maintaining the Union and putting down the Rebellion, in which the great majority of all parties joined. For once country overcame party. A fraction of the Democratic party, however, or rather the old clique of party leaders who controlled and in good part constituted the State Committee, refused to accede to the Union movement, and took measures to place a party nomination in the field. Only State officers, not including Governor and Lieutenant Governor, were to be chosen. The Union State Convention, one of the largest, most respectable and patriotic

bodies ever assembled in the State for a like purpose, nominated a ticket without regard to former party designations, and placed upon it the name of Mr. Dickinson for the office of Attorney General. Having counselled the Union movement he accepted the nomination, and with the whole ticket was elected by a majority of over a hundred thousand votes.

In 1862 as in 1861, he disapproved of arraying a political party upon minor, incidental and exceptional questions in an attitude of hostility to the Administration, while the one great and all-absorbing issue whether the nation could preserve its existence or must yield it on the demand of a wicked and impudent rebellion, was pressing upon the country for solution, and he therefore condemned, pointedly and severely, the action of the managing leaders who controlled the machinery of the Democratic organization in the State, as placing such of its adherents as were loyal in a false position;—as unfaithful to the principles, the history and the great memories of the Democratic party and suicidal to its future; as tending to divide the sentiment and weaken the efforts of the people, and hinder if not paralyze the government; as giving comfort and encouragement to the enemy at home and abroad, and as fraught with momentous peril to the cause of the Union. He held that in such a contest there could be but two parties, one for the government and the Union and against the Rebellion, the other, by whatever name called, virtually, and more or less directly, for the rebellion and against the government and the Union; and that if alleged mistakes and short-comings in the conduct of affairs existed, they could not be corrected by the operations of party politics, in the face of the armed legions of the enemy, arrayed against the whole structure of the government. In accordance with the impulses of his nature, the theories of his education and the convictions of his experience, he continued to give to the President, as the representative head of the country, his active support; and, recognizing a sphere of

duty far above mere partisanship, he treated with indifference alike the weak attempts of party intriguers and rebel sympathizers to convict him of political inconsistency, or of party infidelity. The frequent change of position by those who assumed to speak for the Democratic party, being in truth unwilling concessions to the union sentiment among the Democratic masses, shows that even they must finally admit, as they have practically though reluctantly in regard to a former memorable question, the correctness of his judgment and the patriotism of his conduct. The Democratic party never before failed, heartily and manfully to support the Government, in whatever contest with an armed foe; and it will ever remain to be regretted that the short-sighted policy of its leadership has permanently damaged if not destroyed its character for patriotism, and its prestige as the great leading party of the country.

In 1862 the name of Mr. Dickinson was, to some extent, used in connection with the office of Governor of the State, to be filled at the election of that year, but without his wish or encouragement. He supported, with all his zeal, the lamented and patriotic General Wadsworth the Union nominee; whom, though an opponent in the party divisions of 1848 and subsequent years, he respected as a man of worth, honesty and consistency, and now loved and honored as a true patriot and friend of the Union, and one of its most devoted and gallant defenders.

Prior to the State election of 1863, Mr. Dickinson publicly declined a re-nomination for the office of Attorney General. He was nominated by Mr. Lincoln upon the joint commission to arrange indemnities arising under the settlement of the Northwestern boundary between the United States and Great Britain, and the nomination was unanimously confirmed by the Senate, without the usual reference; but the position was declined.

In December of the same year, Governor Fenton tendered

him a seat upon the Bench of the Court of Appeals, about to become vacant by the resignation of Hon. Henry R. Selden; but the appointment was also declined; and on the expiration of his term as Attorney General, he retired from official connection with public affairs and resumed his home pursuits; but with undiminished interest and unflagging determination in the great struggle of the Nation.

In the spring of 1865, and among the last of his public acts, President Lincoln tendered to Mr. Dickinson the office of United States District Attorney for the Southern District of New York. Though unsolicited and unexpected the appointment was accepted; and from that time to the close of his life he was actively and laboriously engaged in discharge of the duties of that important office. His death occurred on the 12th day of April 1866, suddenly and with but brief warning; yet the summons found him prepared, as he had always been, to meet the ever recurring duties and the changes and varying responsibilities of life. For some time previously he had been engaged in the United States Circuit Court at New York in the trial of the case of the United States vs. the Steam Ship Meteor under the neutrality laws, upon the allegation that the vessel was being fitted out as a Chilian privateer, or to act in some hostile capacity against the friendly power of Spain. At the close of the proceedings on Monday, he retired to the residence of his son-in law Samuel G. Courtney, Esq., (his home in New York city,) feeling somewhat indisposed, which was attributed to a slight bilious attack; and though a physician was called, not the least apprehension of a serious result was entertained. Thursday morning he dressed and shaved himself, and made preparations to go to the office, but finally decided to delay it a day longer. In the course of the day symptoms of an alarming character were manifested, and in the afternoon the attending physicians, upon consultation, communicated to Mrs. Dickinson their opinion that her husband could not recover, nor live

probably at most beyond a few hours. Stunned and oppressed with the yet unrealized magnitude of the impending blow, she nevertheless, with the true calmness of Christian fortitude and the tenderness of wifely devotion, took upon herself the sacred duty to inform him of the extremity of his condition. He however anticipated her purpose by a remark showing that he understood the full purport of what she would communicate : and taking her hand said that though the struggle was severe, they must meet it like Christians,—their separation would not be long. He remained in the full possession of his mental faculties to the last ; left messages for absent members of the family, and spoke of his condition with calmness and Christian confidence. For a time he suffered much and failed rapidly. About eight o'clock in the evening, after an interval of comparative quiet, he raised himself to a sitting posture, and being supported by Mr. Courtney and Hon. Ausburn Birdsall, seemed to breathe freely and easily ; then reclining his head upon Mr. Courtney, in a short time it was observed that he had ceased to breathe. "His countenance wore," said one who was present at this time, "an expression of benignity indescribable." "The conflict is strong, but the other side is ours," was one of his last expressions, addressed to his daughter Mrs. Courtney. Thus passed from earth to Heaven a brave, a true, a faithful, a loving, a noble spirit;—one that had met life in its stern and trying as well as in its tender and lovely and heroic aspects, and in all been sustained ; as now in the final conflict it was, through Infinite mercy, enabled to triumph over death and the grave.

During the greater portion of his active life, Mr. Dickinson was prominent in connection with the political affairs of the country ; and as, for nearly all that period, the slavery question formed the key note of American politics, and, notwithstanding slavery in form has been abolished at a blow by the power of the loyal people, is even yet exerting a posthumous influence

upon the issues before the country, it is proper to refer more directly to his course in that respect; and more especially so, as whatever of opposition and criticism he encountered in his public career was ostensibly based on the positions he maintained upon that subject, though doubtless referable, in a good degree, to the promptings of political rivalry.

He has been called a pro-slavery Democrat; but as far as intended in a disparaging sense, it has been by those who were as willing to misrepresent his sentiments and position as to misunderstand the true aspects of the question. A Democrat certainly he was; by birth, education, habits, and well-grounded principles; of the school where Democracy means civil and religious liberty, equality, justice, law, order, advancement, the greatest good to the greatest number. The phase of Democracy which taught to trim party platforms to meet contingencies; to traffic alike in principles and offices; to manage the democracy of numbers by the secret machinery of party organization, he always heartily despised and condemned.

He regarded slavery as an incumbrance fastened upon the country in its colonial condition, and recognized at the formation of the Union; and held that the rights of the slaveholder, as thus recognized by the constitution, in the States, were not within the power and control of the general government; and that the government, the States, and the people of the States, ought, on whatever side of the question, to observe and keep the constitutional provisions regarding slavery, fairly, in the spirit in which they were framed; and thus avoid, as did the patriot framers of the government for wise and good reasons, the "conflict" which the extremes of Northern and Southern opinion were constantly urging forward and tending to make "irrepressible."

His course in relation to slavery in the Territories has already been alluded to, in connection with his resolutions introduced into the Senate in 1847. The advocates of the

Wilmot proviso maintained that Congress had the power, and it was its duty, to prohibit slavery in the Territories by a "fundamental and unalterable" provision, to be passed for that purpose. The representatives of the slaveholding States, in a body, resisted the claim as an arbitrary attempt to deprive those States of their just rights in the common territory; as an assumption of power subversive of the principles of the federal compact, because destroying the equal privileges of citizens of the different States; while those of more ultra views contended that the constitution itself authorized the extension of slavery into the Territories where it did not exist before, on their coming to the possession of the United States, and that Congress had no power over it except to afford it protection. The resolutions of Mr. Dickinson proposed to leave it to the people of the Territories, when they should be in circumstances to act, to form their own domestic institutions, subject only to such restrictions as the constitution imposed; and he advocated the doctrine involved, as being in accordance with the letter and spirit of the constitution, and the broader principle of self-government on which republican institutions have their foundation. He held that if adopted as the settled rule of action and faithfully carried out, it would remove an element of vexation and strife which was every day growing more dangerous; leave to the slaveholding States all they had any right to claim, and give the decision of the question, in each case, to the people who were to be immediately affected thereby, and who would eventually have the absolute power to determine it, whatever Congress might attempt under the high-sounding but absurd notion of establishing "fundamental and unalterable" legislative enactments. His position was briefly and pointedly stated by him in the Senate, while the compromise measures of 1850 were under consideration, as follows:

"Now, sir, I wish to say, once for all, that it is not my intention, either

directly or indirectly to favor, by voice or vote, the extension of slavery or the restriction of slavery in the Territories, by Congress, or any interference with the subject whatever. Nor am I influenced in this conclusion by the local laws of the Territory in question, either natural or artificial—the laws of nature or the laws of man; and for all the purposes of present action, I will not inquire what they are in either respect. I will stand upon the true principles of non-intervention, in the broadest possible sense; for non-intervention's sake; to uphold the fundamental principles of freedom, and for no other reason; and will leave the people of the Territories and of the States to such rights and privileges as are theirs, under the constitution and laws of the United States, without addition to or diminution from such rights by the action of Congress."

But in all his endeavors for moderation, conciliation and good understanding, he never lost sight of the real character of slavery, nor spoke of it, though in general avoiding to make it the subject of unnecessary and irritating remarks, otherwise than as a social, moral and political evil; one which he hoped and believed might in time peacefully disappear. His arguments upon the subject had regard solely to its acquired constitutional and legal status. In his speech on the bill before the Senate, to establish a government for California, in February 1849, he said:—"I have never favored the institution of slavery nor its extension, either immediately or remotely." * * * * "My habits, thoughts, feelings, education, instincts, nay my very prejudices are against slavery; but I would not interfere in what is no concern of mine, to obtain a greater evil and no good." This was his uniform expression in regard to the abstract question, and the existence of the institution in the States, as well in the Senate, in the presence of slave-holding party associates, as elsewhere. His effort throughout was to get rid of it as a national question;—to remove from the halls of legislation, the political arena, and the hearts and minds of the people the cause and excuse for so much bitterness, irritation and recrimination; to bring back the subject to the position where the constitution placed it; trusting for the amelioration of the system and its final eradication, under Providence and the progress of Christian civilization, to the people

upon whom the responsibility directly rested ; and who, if left to the calm contemplation of their own position, it was believed, would feel the force and augmenting influence of the world's opinion, and themselves effect modifications against which, if pressed as the views of individuals or parties in the other States, through the machinery of the general government, they would stand persistently upon the defensive.

Such, briefly, were his position, action, opinions and motives, as shown by his public record in the Senate, throughout the great slavery contest of 1848-50. And who, in the light of events, will not say that the cause of patriotism and humanity, —of peace, prosperity and progress would have been subserved by a faithful endeavor to realize the results intended by the policy he labored so efficiently to inaugurate ? He did not approve of the premature and unnecessary opening of the question by the Kansas-Nebraska propositions, and especially by the introduction therein of the repeal of the Missouri compromise. His own employment and advocacy of the doctrine of popular sovereignty had been to allay and not to excite agitation.

But he had a far different ordeal from that of the Senate to encounter, and was called to defend himself and maintain his positions on a field of more rugged aspect ; a challenge he did not decline. The "free soil" schism in the Democratic party, had its centre and its most active organization and operations in New York. On the failure of the Baltimore Convention of 1848 to nominate Mr. Van Buren again for the Presidency, the leaders of the movement met at Utica and adopted the Wilmot proviso, which the Convention had rejected, as their "corner stone," and soon after joined forces with the anti-slavery party, at the Buffalo Convention, and put Mr. Van Buren in nomination in opposition to the Democratic candidate. They denounced popular sovereignty as a surrender of the Territories to the slave power, and its advocates as "dough-faces," and "slavery propagandists." Mr. Dickinson,

as the recognized leader of the National Democracy in the State, received a liberal share of invective and denunciation. The contest became bitter and its effects have continued to be visible in the politics of the State, in a greater or less degree, to the present time. The division of the Democratic vote of New York defeated General Cass and threw the government into the hands of the Whig party, by the election of General Taylor to the Presidency; and the movement by which it was accomplished, inaugurated a course of political demoralization in the State which has borne bitter fruits to the Nation. While the more consistent of those who engaged in it, being anti-slavery from principle, went over permanently to the opposition, the prominent and responsible leaders, though maintaining for a time their hostile organization and reaffirming the doctrines upon which they ostensibly separated from the National Democracy, soon again claimed recognition from the party and the right to exercise control in its affairs; and various "unions," having for their objects the success of candidates, parcelled out between the two organizations, were from time to time formed with them, but generally without satisfactory results. They continued for some years, in local and State politics, to stickle over slavery in the Territories, but actually supported the Democratic candidate for the presidency in 1852, upon a popular sovereignty platform; supported Mr. Buchanan in 1856 upon a similar platform, and finally in the presidential campaign of 1860, as the special advocates of Mr. Douglas, the author of the Kansas-Nebraska bill, and the proposer of the repeal of the Missouri compromise, became the champions of the doctrine in its most ultra form.

Thus was the course of Mr. Dickinson upon this vexed question as amply vindicated by those who most vehemently assailed it, as it was approved by the great body of the people. It should be added that he opposed reunion, for the mere purpose of securing the spoils of office, with those who went off

from the Democratic party, just so long as they asserted distinctive principles; and he took occasion, as will be seen by those who shall peruse the subsequent pages of this volume, in his speeches and letters, called out by current events, fully to mark his sense of their position, as well as to define his own. Another thing is worthy of mention and remembrance in connection with the free soil controversy. Though the probability of results was not used as an argument in its favor by the advocates of popular sovereignty, not a foot of the vast territories, which its opponents declared would be surrendered to slavery by its adoption, ever became slaveholding under its full operation.

When a course of demagogism, folly, party dishonesty, official imbecility, and sectional madness, culminating in rebellion and treason without the shadow of justification or excuse, had plunged the country in civil war,—the slaveholders mainly becoming rebels in arms,—nearly every slaveholding State entering into a hostile, spurious confederacy, founded for its leading idea upon perpetual slavery, and, in every capacity in which as individuals or commonwealths they could act, having repudiated the constitution and authority of the Union, thrown off its protection, and in the face of the world appealed to the chances of war, he held from the first that they brought their property in slaves—the institution of slavery—being their chief source of labor and means of supply, especially and clearly within the scope of the war power of the government; that it thus became the right and duty of the President, as the commander-in-chief of the army and navy, to deal with slaves and slavery as with any other element of material strength to the enemy; to make such practical use in regard to them of the powers of his high office, within the rules of civilized warfare, as should most effectually weaken and paralyze the rebellion, strengthen the cause of the Union, and tend to restore the power of the government over the people of the revolted

States: in his own graphic language, "to strike rebellion hardest where it would feel it most"; and if in the exercise of a high function to save the national life, slavery should perish forever, justice and humanity would gladly add an approving Amen!

He pointedly stated his own position upon the slavery question, in its earlier and later aspects, as follows: "While slavery," said he in substance, "remained within the protection of the constitution, I sought, like the careful physician, to heal the diseased member and save the body politic from harm on its account; but now that it has thrown off the constitution and broken out in armed rebellion, endangering the national existence, I would promptly act the part of the surgeon, and cut it off." Thus, though his opinions relating to slavery, its rights and constitutional status within the Union, had undergone no change, the question in all its circumstances had been entirely changed by the slaveholding people and States assuming a new attitude towards the government; repudiating the constitution, discarding its protection, dictating the destruction of the Union, and attempting to enforce their infamous behests by the dernier argument of arms. It would be difficult to tell what other legal, logical, and at the same time *loyal* conclusion could be arrived at; or to demonstrate the charge of inconsistency that chronic partisanship has brought against it.

The sun and centre of Mr. Dickinson's political system was the Union. To its recognition, as the pride and strength and safety of the nation, and the hope of the oppressed everywhere, all his theories tended; to defend and preserve it in its beneficent attributes—in the spirit of its founders—was the purpose of all his efforts. Thus he vehemently opposed the long course of anti-slavery agitation, as tending to weaken its hold upon the affections of the people and destroy its moral force; and he sought by all practical means to allay the seo-

tional irritation that it occasioned. He declared that he would stand by the South in the maintenance of all her rights guaranteed by the bond of union; but when the South, using this ill-boding agitation for excuse, rebelled against the Union, we have seen with what entire devotion he threw himself into the conflict for its defence. Whenever, by whatever means, from whatever quarter, the Union has been assailed or threatened, he never failed to be found facing the foe.

The professional career of Mr. Dickinson was characterized alike by ability, fidelity, and eminent success. His thorough familiarity with legal principles, his quick perception, and varied knowledge, enabled him to grasp his case as if by intuition; but to those advantages he always added careful preparation. He excelled particularly in trials before juries: in unravelling the intricacies of fact, gathering up the scattered threads of many hues, and weaving them with deft hand into a web of symmetrical and potent conclusions. He loved the profession, and always returned to it from public employment with satisfaction; regarding law as the perfection of reason, and its successful professional pursuit as requiring the highest standard of fidelity and honor. His ablest intellectual efforts were undoubtedly produced at the bar; but, with two or three exceptions, no report of his forensic efforts has been preserved.

His labors in the political and professional field, though almost unremitted, by no means engrossed his entire attention. He kept alive his love of literary and rural pursuits, as is shown by his numerous addresses before agricultural and learned societies in various parts of the country. In 1858, the degree of Doctor of Laws was conferred upon him by the faculty of Hamilton college, New York. As a speaker and writer he possessed equal facility in an easy, terse, and vigorous style. His political addresses were generally called out by some party or public exigency, and made often on brief notice and without

pre-arrangement or preparation, other than the thought that could be given to the subject amid the hurry of business avocations or the progress of a journey to the place of speaking; and his addresses apparently of a more studied character have been subject, in a great degree, to a similar rule as to preparation. His efforts, though for this reason lacking at times something of methodical arrangement, are always adapted to the occasion and the subject in hand, and characterized by point and directness. Though generally abounding in illustration and comparison, adorned at times with poetic imagery, and often enlivened by wit, anecdote, and repartee, or shaded by pathos, the train of argument is never lost sight of: all is made to tend to the main purpose. He had a clear, ringing voice, that readily commanded an audience of any reasonable dimensions, and possessed that magnetic power that always secured a pleased attention and carried his hearers with him to his conclusions. His strength consisted in this, that he always spoke his earnest convictions, and knew the pulses of the popular heart by the beating of his own. As an advocate he had few superiors; as a popular speaker, his wide-spread reputation attests his power and effectiveness.

It was, however, in his private, domestic and neighborhood life, that Mr. Dickinson's qualities were pre-eminently admirable. His family attachments were peculiarly strong, tender and devoted,—his tastes domestic, his aspirations tending always most strongly towards home and friends. As a husband, a father, a neighbor, a friend, he has left a name and a remembrance that those who knew him best in those relations cherish beyond all his public honors.

In 1822 Mr. Dickinson was married to Lydia Knapp, a daughter of the late Colby Knapp, M. D.—a pioneer, like his own father, in the settlement of Chenango county; extensively identified by his professional skill and usefulness with its early history, and a prominent member of the medical faculty of the

State. Their married life of nearly half a century was a happy illustration of the spirit of love, confidence and mutual respect that should ever animate that holy and beautiful relation. Of their four children, a son and three daughters, the two youngest only are living. Two sleep with him in the quiet and beautiful shades of Spring Forest.

In person, Mr. Dickinson was of medium height, strongly but not heavily built, with a head of massive proportions and a countenance indicating at once intellectual activity and strength, force of character and benevolence of disposition. For the latter portion of his life he was rendered venerable in appearance beyond his years, by locks of snowy whiteness, which belied the beaming face and active step of a hale and hearty manhood. In his habits he was strictly temperate, frugal and regular; in his temperament sanguine, buoyant and hopeful; in his disposition, cheerful, liberal and confiding. From his boyhood, he possessed a keen sense of humor, and made it innocently contribute to his own and the enjoyment of those with whom he associated. In conversation he was entertaining and instructive; in his social intercourse genial, hospitable and popular. He always conformed to the public observances of religion, and contributed liberally to the support of its institutions. Some few years before his death he became a professing Christian and a member of the Episcopal church. He died in the declared faith of the gospel.

His private character was without stain or imputation. His public life was marked by integrity, unselfishness, fidelity to his convictions of duty, courage and intrepidity in their maintenance, and patriotism which knew no change and counted no cost of personal risk or personal convenience. He maintained in every position an honorable standing only accorded to acknowledged worth and eminent ability.

The unexpected death of Mr. Dickinson called forth a general expression of sorrow and respect throughout the country.

Public honors were everywhere paid, and carried with them the heartfelt regret and reverence of the people. The President, on receipt of the intelligence, directed the following telegraphic despatch to be sent :—

“ WASHINGTON, April 13, 1866.

“ ROBERT MURRAY, ESQ., UNITED STATES MARSHAL, N. Y.

“ I learn with profound sorrow the death of Daniel S. Dickinson, late District Attorney of the United States at New York. The President authorizes me to tender his condolence to the family and friends of the loyal and single-hearted statesman whose voice sounded like a clarion to animate patriots during the war we have so successfully passed without the loss of a State or a stain upon the national honor.

“ WILLIAM H. SEWARD.”

PROCEEDINGS OF THE SENATE AND ASSEMBLY OF NEW YORK.

NEW YORK SENATE, Saturday, April 14, 1866.

The following preamble and resolution were presented by Mr. Folger, and seconded by Mr. H. C. Murphy, and unanimously adopted :

Whereas, The Senate, filled with mournful recollections, brought by the return of the day on which Abraham Lincoln met his violent death, has received an additional sadness from the sudden decease of the HON. DANIEL S. DICKINSON, formerly President of this body, as well as the worthy incumbent of many offices of honor and trust under the State and nation :

Resolved, That as a proper mark of respect for the memory of the departed, this body do now adjourn.

NEW-YORK HOUSE OF ASSEMBLY, }
Saturday, April 14, 1866.

The following preamble and resolutions presented by Mr. Eldridge were unanimously adopted :

Whereas, By a sudden interposition of Divine Providence, our State and Nation have been deprived of the services of an able and distinguished statesman ; therefore,

Resolved, That, in the recently communicated intelligence of the death of Hon. D. S. Dickinson, we recognize the loss of one whose lofty patriotism, wise statesmanship, purity of purpose and valuable public service have endeared him

to the hearts of the people, and that we deeply and sincerely deplore the afflictive dispensation.

Resolved, That we heartily sympathize with the family and friends of the deceased statesman in this their great bereavement, and that an engrossed copy of this preamble and these resolutions be forwarded by the Clerk of this Assembly.

The announcement of his death at Binghamton, so long his dearly loved home, occasioned the most heart-felt and profound sorrow. Business was suspended; the bells were tolled; public and private buildings were draped in mourning; the municipal and other bodies met to give expression to the all-pervading grief, and to make suitable arrangements to pay the last sad honors to the neighbor and friend whose loss had overshadowed their community in mourning.

MEETING OF THE BAR OF BROOME COUNTY.

At a meeting of the members of the Bar of Broome County, at the office of Hon. George Bartlett, for the purpose of taking such measures as should properly express their grief, occasioned by the loss of their great leader, Hon. Daniel S. Dickinson, and as should be a fitting tribute to the memory of the deceased, on motion, B. N. Loomis, Esq., was appointed Chairman, and Jos. M. Johnson, Secretary.

John Clapp, Esq., stated briefly the object of the meeting, and related in an eloquent and impressive manner his first meeting with the deceased, and gave a sketch of his early professional career, after which he moved that a committee be appointed to draft such resolutions as should be fitting and proper.

The Chairman appointed as such committee John Clapp, Geo. Bartlett, E. C. Kattell, Lewis Seymour, O. W. Chapman, Geo. Park and Wm. Barrett.

After consultation, Mr. Clapp reported from the committee the following preamble and resolutions, which were unanimously adopted:

The telegraph announces that our distinguished townsman, Daniel S. Dickinson, is numbered with the dead. He has been stricken down whilst in full possession of his great mental power and the discharge of duties connected with the important office in the city of New York to which, he had been called by the Government of the United States.

The blow was sudden and unlooked for. His fellow-townsmen were smitten with astonishment and grief, as the sad news was communicated from one to another.

The tolling bell, the flag at half-mast, and the general display of badges of mourning tell truly how wide-spread the lamentation over this sad visitation.

The members of the Bar of the County of Broome, resident in Binghamton, have gathered to express their feelings and high estimation of the qualities of the illustrious dead ; therefore,

Resolved, That by the sudden death of Daniel S. Dickinson the legal profession has been deprived of one of its most distinguished members, and our country of a forensic and senatorial debater of the school of Webster, Calhoun and Clay.

Resolved, That we mourn the loss of a professional brother, of high attainments and varied qualifications for the earnest, vigorous, faithful discharge of every duty which the lawyer owes the client ; but not the great lawyer only, for we have lost our townsman, neighbor, guide, advocate and friend.

Resolved, That this dispensation of Providence has removed from our midst a statesman whose reputation was co-extensive with the boundaries of the Republic and not unknown to the great reformers of Europe, now struggling for the diffusion of American ideas and the recognition of the civil rights of the masses of mankind.

Resolved, that the uniform kindness of manner of the deceased, combined with his genial humor, wit and learning, made him a favorite in every court, and will keep green his memory long after his body has returned to its native dust.

Resolved, That we tender to the family of the deceased our heartfelt sympathy under the crushing blow which has fallen upon them.

Resolved, That as a body we will attend the reception of the remains of our deceased brother, at the depot, upon their arrival from New-York, and escort them to his late habitation, and thence to their final resting-place.

Resolved, That the Secretary of this meeting prepare a copy of these resolutions, and deliver it to the family of the deceased, and also copies for the papers for publication.

B. N. LOOMIS, Chairman.

JOS. M. JOHNSON, Secretary.

The following account of the Proceedings in the Courts of New York ; the Funeral Obsequies, and the Proceedings of

the Bar of New York, are copied from the "Testimonial of Respect," published by the New York Bar.

PROCEEDINGS IN THE NEW YORK COURTS ON THE ANNOUNCEMENT OF
THE DEATH OF HON. DANIEL S. DICKINSON, FRIDAY, APRIL 13th,
1866.

UNITED STATES CIRCUIT COURT.

Judge SHIPMAN Presiding.

At the opening of this Court, Edwin W. Stoughton, Esq., rose and stated, that, since the adjournment on Thursday, the Bar and public had sustained a very great loss in the death of the Hon. DANIEL S. DICKINSON, after a very short but very severe illness. He had met him but lately in the full enjoyment of health and expectation of long life. He was a very distinguished man, and had filled a large space not only in the profession, but in public life. He rose by his own efforts, as all men who attain real distinction must do. He was not more remarkable by his abilities as a lawyer, and orator, and statesman, than by the personal qualities which endeared him to all those who were connected with him. But a very few hours since, as it seemed to the speaker, he was sitting by him, talking to him of anticipated enjoyment during the coming months in a visit to his place. It was only last evening that he had heard for the first time of his illness. He hardly need say that his loss called for a public recognition, and he trusted that a further opportunity might be granted for the bar to express their sense of his loss.

Under the circumstances he need only move that the Court, out of respect for his memory, do now adjourn. He presumed that the members of the bar would take measures to express their feelings in a more formal manner.

Sidney Webster, Esq., in seconding the motion to adjourn, remarked that it was not needful for him, in seconding the motion, to say anything in addition to what had been so properly expressed by Mr. Stoughton. It was an important event when the person who had been commissioned by the President to exercise the legal authority of the United States in this District was suddenly stricken down by death; but the event had additional importance and significance when, as in the case of Mr. DICKINSON, the officer had been so prominently concerned in the administration of the National and State Governments of the Union. It had so happened to him that he had been associated with Mr. DICKINSON, in the other Court, in the last case in which he had been concerned. During the whole of it Mr. DICKINSON appeared to be in perfect health

and in excellent spirits. On Monday last, however, he complained a little of indisposition, which he supposed was temporary. He left on the adjournment of the Court and proceeded to his house. That was his last appearance in any earthly tribunal. Mr. Webster then suggested that a meeting of the bar be called for some future day—say Wednesday next—to take such steps as might be deemed proper to attest their appreciation of the eminent services, legal and political, and the striking virtues, of their deceased brother.

Judge Shipman said: "The very high official position of the late United States District Attorney will justify the call for some public recognition of his death; but, aside from that, his very eminent public character and private worth require that the Court should recognize its misfortune in the sad event, and that there should be a more formal recognition of it than is possible now. The Court will, out of respect to the memory of the deceased, now adjourn, and the Clerk will enter this order on the minutes."

The Court then adjourned.

The United States District Court not being in session, no proceedings were had therein on this day.

GENERAL TERM OF THE SUPREME COURT.

HON. GEORGE G. BARNARD Presiding.

At the opening of the Court, Judge Pierrepont arose and said:

"May it please your Honors, I arise to announce the sad news of the death of that eminent lawyer, statesman and patriot, DANIEL S. DICKINSON, United States District Attorney for the Southern District of New York. He died suddenly last evening at the house of his son-in-law, Mr. Courtney, the Assistant District Attorney. On a more fit occasion, when the Judiciary and the Bar, and other mourning citizens shall have assembled to do honor to the memory of a patriot whom the nation will mourn, addresses will no doubt be made appropriate to the sad event, and expressive of the high appreciation which is generally accorded to the great virtues of the illustrious deceased. I now move that as a mark of respect to the memory of the late Mr. DICKINSON, this Court do now adjourn."

The motion was seconded by Wm. M. Evarts, Esq. Presiding Justice G. G. Barnard said that he and his associate Justices fully concurred in the remarks which had been made by the learned gentlemen of the Bar. Upon the occasion of the decease of so great a lawyer and statesman, it was eminently fit that this respect should be paid to his memory. The Court would therefore order an adjournment until

Monday next, at 11 A. M., and direct the Clerk to enter these proceedings on its minutes.

SUPREME COURT—SPECIAL TERM, CHAMBERS.

HON. THOMAS W. CLERKE Presiding.

At the opening of the Court, Major-General C. W. Sanford moved the adjournment of the Court in the following language :

I have just heard, with great regret, of the death of Mr. DANIEL S. DICKINSON, United States District Attorney for this District, a gentleman who has stood high at our bar, and has been a conspicuous man in our State and nation. He always possessed the esteem and respect of his associates, and his loss will be deeply felt by the profession. This is not the time or place to pronounce a eulogy, or to descant upon the merits or abilities of the deceased, and I will, therefore, simply content myself with moving that the Court do now adjourn.

Mr. John McKeon seconded the motion, and said that, as he understood a meeting of the Bar would shortly be held on the subject of Mr. Dickinson's death, he would refrain from making any extended remarks.

Judge Clerke then adjourned the Court, expressing his entire concurrence in the remarks made by counsel.

SUPERIOR COURT—TRIAL TERM.

HON. JOHN H. MCCUNN Presiding.

Henry L. Olinton, Esq., announced the painful intelligence received of the death of the honored United States District Attorney, Daniel S. Dickinson, and, in a few remarks tributary to his great worth, eminence and distinguished public services, moved that the Court stand adjourned, as a mark of respect to his memory.

Gunning S. Bedford, Jr., Esq., seconded the motion.

Judge McCunn, concurring in the remarks made, fully appreciating the eminent worth of the deceased, and the loss sustained in his death, ordered the motion to be entered on the minutes, and the Court adjourned.

SUPERIOR COURT—TRIAL TERM—PART II.

HON. SAMUEL JONES Presiding.

At the opening of the Court Robert E. Holmes, Esq., in a few words

announced to the Court the fact of Mr. Dickinson's sudden death, delivering a short but happy eulogy on the character, accomplishments and virtues of the deceased. In accordance with a custom which, he said, appeared to prevail almost solely among members of the Bar—that of adjourning through respect for the memory of their distinguished brethren—he moved that the Court adjourn, as a mark of the deep regret felt for the loss of the distinguished departed.

The motion was seconded by A. S. Cohen, Esq., in a few appropriate and eloquent remarks.

Judge Jones ordered that the Court should be adjourned to Monday next, and that the Clerk enter a suitable record of the facts on the books of the Court.

SUPERIOR COURT—SPECIAL TERM.

HON. CLAUDIUS L. MONELL Presiding.

At the opening of this Court, Thomas B. Barnaby, Esq., arose and said, that, although called into Court to transact professional business, he owned it his duty to apprise the Court of the melancholy intelligence which had just reached him of the sudden death of the Hon. Daniel S. Dickinson, the District Attorney of the United States for the Southern District of New York. Mr. Dickinson, he said, had held many high and responsible offices, and had won the respect and esteem, not only of the Bar, but of the whole community. He moved, that, out of respect for his memory, the Court do now adjourn.

The motion having been seconded by Mr. Boardman, Judge Monell remarked that he had, a few moments previously, heard of the death of Mr. Dickinson. The shock, he said, had come to him with the greater suddenness and force, from having seen Mr. Dickinson within a very few days in apparent full vigor and health. He had known Mr. Dickinson long, and at one period intimately, and had always entertained not only the greatest admiration for his talents and learning, but the highest esteem for his goodness, affability and urbanity. Mr. Dickinson had filled many high positions of trust and honor, and was always distinguished for the ability and fidelity with which he had discharged all their duties. Upon the death of such a man it was eminently proper that every respect should be paid to his memory. The Judge concluded by ordering Mr. Thomas Bennett, Clerk of the Court, to enter an order, adjourning this Court until Monday morning.

COURT OF COMMON PLEAS.

HON. CHARLES P. DALY Presiding.

At the opening of this Court, Augustus F. Smith, Esq., addressed the Court as follows: May it please the Court, since coming into Court I have learned to my great surprise and regret, that Hon. Daniel S. Dickinson died last night, after a very brief illness. In common, probably, with many members of the Bar, I had no very intimate relations or associations with Mr. Dickinson, for the reason that but for the very brief period of twelve months he has been a resident of the city of New York, and practising here among us. It is now but twelve months, I think, since he was appointed to the responsible and dignified position which he has filled to his own credit, and to the satisfaction and benefit of the Government which he represented in that office. Mr. Dickinson, however, not being known to us so much as a practising lawyer in our midst, was known to us by reputation. His reputation was not confined to the southern portion of the State, where he practised for so many years, but reached us, not only as a lawyer, but as being connected with prominent political parties, from all parts of the country. Mr. Dickinson had been at one time named for the most distinguished position to which the suffrages of the American people can call any man. I am not able, sir, to speak from personal knowledge of him, further than I have now done. It is unquestionably appropriate that the Courts of this City and State should extend to him and to his memory some appropriate appreciation by an adjournment, if the Court approves, and that there shall be such an entry on the minutes as shall show what has been done in view of the bereavement which has befallen us. I move, your Honor, that the Court do now adjourn.

Amos K. Hadley, Esq., seconded the motion for adjournment. He had known Mr. Dickinson for twenty-five years, and ever found him to be a man of ability, learning, and great purity of character. As United States Senator, Lieutenant-Governor, Attorney-General, District-Attorney, and in all the public offices which he has filled, Mr. Dickinson discharged the duties with honor to himself and complete satisfaction to the public, and sustained as high a reputation as any man in the country. He was called away full of honor, but at a ripe old age, with the esteem and love of his fellow-men.

Mr. Brewster, in the course of a very effective speech, said that, during the whole career of Mr. Dickinson, it was worthy of remark, that though he had filled many high offices, and taken part in very warm political contests, he had never been charged with the commission of a single impure, corrupt, or unjust action.

Judge Daly, in answer to the motion, replied as follows: I have also

known Mr. Dickinson for more than a quarter of a century. I was associated with him in the Legislature nearly twenty-five years ago, and the intimacy there, or which began immediately preceding that period, has been continued, so far as could be, in the different course of our different lives. I knew much of his character, and am, therefore, able to appreciate the justness of all that has been said respecting him. He was a distinguished man, and *deservedly* distinguished. As a lawyer he was remarkable for his acuteness, for more than the usual share of legal learning, and for his untiring industry. To the close of his protracted life he filled offices not usually held by men of his advanced age, and fulfilled their duties with the strength and vigor of youth. He was, as the seconder of the motion has remarked, direct and outspoken, and, like all strong and earnest natures, he very frequently brought himself into collision with those who differed from him in opinion. He filled important public stations, such as the Lieutenant-Governorship of this State, the representative of this State in the Senate of the United States, and the distinguished legal offices which he has held subsequently, in all of which he was distinguished by his great private integrity, by his disinterested regard for the public interests committed to his charge, and by the great influence which he exercised, whether appealing to his fellow-citizens upon great public questions, or addressing those Legislative bodies to which the disposition of them was intrusted. The same earnestness of character, the same strength of conviction which marked his whole career pervaded his public speeches; and he was, therefore, as the same speaker has remarked, distinguished for his earnest eloquence, for his impressiveness, and for his power in working conviction in others. The convictions imbedded in his own nature were impressed upon his words, which kindled by their eloquence, and animated and influenced those to whom they were addressed. He was, as the same gentleman has again remarked, during nearly the whole of his life, associated with one political party, and the earnestness of his character was manifested by his fidelity and zeal in upholding the political views of that party on great public questions. He was particularly earnest, and especially as a Senator of the United States, in his constant opposition to all the public measures which he thought might exasperate any portion of the country and bring about the calamity of civil war or national separation. He was, therefore, known, and perhaps as prominently known as any man in the Northern States and sharing the Northern interests, as a warm upholder of what were regarded as the rights of the South. Apprehending, as I have frequently heard him express, that the course of public measures would lead to a conflict with the Southern States, and possibly to civil war, he was opposed to nearly all the measures which have precipitated the recent course of events, guarding and defending the interests of the Southern States in those rights

which he considered were guaranteed to them by the Constitution. But when the Southern people broke loose from the Constitution—when, without cause or pretence of complaint, they raised their hands against the Government of their fathers, declaring for separation and a distinct national existence, Mr. Dickinson, with the same consistency of character, the same manly earnestness and the same love of country, that had previously influenced his conduct, took his ground, at the very outset, against them, and upon all occasions raised his voice and exerted his influence in strengthening the hands of the Government in its efforts for the preservation of the nation. It is not very easy now to measure the extent of the influence of such a man, or what it accomplished in that perilous crisis. He encountered then, as he had encountered before, strong personal opposition, from men with whom he had been politically connected during the principal part of his life. But with the instinct which springs from love of country, with the high view it enforces of national duty, and from the strong convictions of his reason, he repudiated all personal and political considerations that conflicted with the great duty before him, and from the beginning of the contest to the close, brought his great powers, his earnestness and his eloquence, to the task of overcoming the arguments of opponents, possibly as sincere as himself, and of convincing all classes of the duty of standing by the country in its hour of peril. This alone, apart from his high professional abilities, in the important legal offices he has filled, would be a reason for paying this public mark of respect to his memory; and the time of any tribunal is well employed in drawing attention to the example of such a life. To all this must be added genial private qualities which make his loss sensibly felt by friends and associates, especially those friends no longer looking forward upon life, and whose views of it are more influenced by the contemplation of the years that have passed than by the expectations of those that are to come. I shall, therefore, direct the adjournment of the Court, in compliance with the motion that has been made, as a proper tribute to a man who, regarded in every aspect, professional, public or private, has been so useful, so honorable, and so prominent a citizen.

During the delivery of the address, his Honor was much affected.

COURT OF GENERAL SESSIONS.

Before Recorder HACKETT.

Information of the death of the United States District Attorney having been communicated to the Court by Assistant District Attorney Hutchings, the Recorder, as a mark of respect to the illustrious dead, adjourned the Court.

MARINE COURT.

At the sitting of this Court, Judge Gross presiding, Mr. Joseph Bell, Assistant United States District Attorney, in a few words, moved the adjournment of the Court in consequence of the death of Mr. Dickinson. He spoke of Mr. Dickinson's painful illness, and of his own personal relations to him, and said he did not feel himself equal to the task of eulogizing the private or public character of so great a man under the circumstances.

Mr. Edward Patterson, in some appropriate remarks, seconded the motion for adjournment.

Judge Gross, after expressing his entire approbation of the motion, and the sorrow felt by the Bench, the Bar, and the country, at the loss sustained in the death of Mr. Dickinson, ordered the court to be adjourned till Monday.

FUNERAL OBSEQUIES.

Brief funeral services were held on Friday evening, April 18th, at the residence of Mr. Courtney, preparatory to the removal of the remains for burial at Binghamton, which removal was effected on Saturday, April 14th.

He was interred at the cemetery of the village of Binghamton, Sunday, April 15th, and the following account of the reception by his friends and fellow-townsmen, and the last sad rites to his remains, has been selected from the columns of the Binghamton *Republican*:

THE VILLAGE IN MOURNING.

The Court House, whose grim outline at all times presents a solemn and imposing spectacle, to-day had that effect heightened in the highest degree. The four massive Corinthian columns were covered with crape, from the base to the capitals; and floating streamers of the same material were flying from end to end of the massive structure. In the cornice of the arch appears the words: "WE MOURN THE LOSS OF OUR DISTINGUISHED FELLOW-TOWNSMAN:—PATRIOT, STATESMAN, FRIEND:—HON. DANIEL S. DICKINSON."

There was not a block in the whole village that did not exhibit some token of bereavement, and scarce a countenance that did not betray

how deep the wearer felt his loss. Nothing of the kind ever wrought our people more general affliction than this sad news. Daniel Stevens Dickinson was to our village its noblest man, and our posterity will view with sacred awe how deeply we mourned his loss to-day.

THE RECEPTION.

The train, bearing the remains of Mr. Dickinson, arrived about fifteen minutes of four o'clock P. M. Around the depot, awaiting the arrival of the distinguished dead, was an assemblage the like of which before was never witnessed in Binghamton. The rich and poor here gathered to greet, with heavy hearts, the lifeless form of him whom, in life, they had learned to cherish as the most benevolent of men, the wisest of counsellors, and the ablest statesman they had ever sent forth to guard their interests and protect their homes. All present partook of the solemnity of the scene and shared in the common affliction.

Immediately upon the arrival of the train, the coffin containing the body—a rich, but plain rosewood sarcophagus—was conveyed to the hearse, while the family of the deceased statesman were conducted to the carriages awaiting their entry.

All was soon in readiness, and the funeral cortege moved off at a slow and measured pace. The procession was composed of the village authorities, members of the Bar, Masonic fraternity, the firemen, the Press and the citizens, friends and family of the deceased. The Binghamton band preceded the long line, playing solemn dirges. The avenues were lined with a vast assemblage of sympathizers with the family of Mr. Dickinson, making the scene impressively solemn.

The body was escorted to the late residence of the deceased, known as "The Orchard," on the west bank of the Chenango, and which, while living, he sought in his periods of retirement and rest, when his duties as a public man would permit.

All that is mortal of Daniel S. Dickinson is now lying in his late home. After the fitful fever of life, he has been gathered to the spot of his adoption, here to rest in undisturbed sleep till the dead awaken. Though he was denied the fondly cherished hope that he would be permitted to die in his own home, yet his second desire, to be laid in the Valley of the Chenango, has not been denied him.

THE LAST SAD RITES.

THE ORCHARD.

The late home of the deceased was thrown open to the public in the forenoon of yesterday, and the coffin being placed in a favorable position, the village populace were enabled to behold the features of the great man for the last time. The assemblage here gathered was upwards of six thousand. The time consumed in passing in and from the house was upwards of three hours.

The body of Mr. Dickinson was laid in a rich plain rosewood coffin, and was dressed in full natural attire. Within the coffin the corpse was covered in part with flowers, while the cover-lid revealed wreaths of myrtle with flowers interwoven. The body was laid in the northwest parlor, and the vast concourse that thronged to take a last look upon the features of the great statesman entered from the south, passed around the coffin, and was permitted to leave from the east entrance. The features of the deceased presented the appearance of one in natural slumber rather than in death. The effacing finger of death had not swept one line of beauty from his venerable countenance. The sweet and goodly expression still lingered, unwilling to be replaced by any other.

THE FUNERAL CEREMONIES.

The funeral ceremonies were conducted under the auspices of the Episcopal Clergy, and were performed by Rev. Dr. Andrews, who read the first part of the service, joined by Rev. Rodman Lewis, Chaplain United States Navy, and followed by Rev. Ohas. H. Platt, Rector of Christ Church, of which Mr. Dickinson, in life, was a member. No extended remarks were indulged on the occasion, but it was announced a sermon at length would be preached at a future day.

There were present at the services, both at the deceased's late home and the grave, many distinguished gentlemen from all parts of the county and State.

THE CLOSING SCENE.

Between 3 and 4 o'clock the long procession was moved into line, and the body was slowly and solemnly, without music, borne to its final resting place.

The procession reached from the late home of the deceased to the

grave, and the avenues leading to and from these places were lined with a dense concourse of our citizens.

The following order was observed:

1. FIRE DEPARTMENT OF BINGHAMTON.

2. OFFICIATING CLERGYMEN.

3. THE HEARSE.

ATTENDED BY EIGHT PALE BEARERS, CONSISTING OF

AMMI DOUBLEDAY,	L. R. SANDS,
AUGUSTUS MORGAN,	S. H. P. HALL,
JOHN CLAPP,	W. R. OSBORN,
GEORGE BURR,	S. D. PHELPS.

4. FAMILY OF DECEASED.

5. DELEGATION OF CITIZENS FROM ABROAD.

6. BOARD OF TRUSTEES OF BINGHAMTON.

7. MEMBERS OF THE BAR OF BROOME COUNTY.

8. MASONIC FRATERNITY.

9. CITIZENS OF BINGHAMTON AND VICINITY.

THE GRAVE.

How sweet the grave wherein he lies entombed. A little mound, shaded by an adjoining hill, was the spot selected for the final resting place of this great and goodly man. A little fretful brook, whose wandering course leads along the base of this mound, sings gentle dirges on its rippling surface, as if to soothe the calm sleeper who rests so near its borders. Beside him lie the bodies of his daughter, Mrs. Virginia E. Murray, and his son, Manco Capao Dickinson. The little cemetery containing the honored dead is on the village limits, and is known as Spring Grove. Its situation is not above half a mile from the late home of the deceased statesman.

INCIDENTS.

The pew of Mr. Dickinson, in the Episcopal Church, was, on Sunday, draped in mourning. Its solemn weeds and vacant seats told their sad and impressive tale.

At the Episcopal Church, on Sunday, of which Mr. Dickinson was a member, a clergyman from Canada preached in the forenoon, and in the course of his sermon made an appropriate allusion to the death of Mr. Dickinson, and stated that several years ago he had met him as the first public man in this country, and was much impressed with his appearance and character.

Mr. Keyser, of the Baptist Church, preached a funeral sermon on the death of Mr. Dickinson, last evening. The words of his text were the same that he selected upon the occasion of the death of President Lincoln, although the sermon was altogether different. The text alluded to was taken from Proverbs xx, 1st verse, and read, "A good name is rather to be chosen than great riches, and loving favor rather than silver or gold." The discourse was one of the speaker's finest efforts, and adds to his growing popularity.

As an illustration of the hold which Mr. Dickinson had on the hearts of the people, it may be mentioned that at the religious exercises at the Baptist Church, on Friday evening last, there were no prayers or remarks made, that did not contain some allusion to his death.

At the close of the sermon in the Catholic church yesterday, the Rev. Father Hourigan referred to the death of the Hon. Daniel S. Dickinson, in a feeling and appropriate manner, lauding his many virtues, both as a citizen and statesman. He spoke of his unbounded liberality to the poor, with whom he would willingly divide the last meal upon his table; he said but few knew as well what the lamented Dickinson had done for the poor and destitute of Binghamton, as the speaker; no person was ever turned from his door empty handed; he was a man that could not from his very nature, refuse assistance to any person, whoever he might be. In the death of this genius and scholar, this honest, kind-hearted, generous, self-made man, the country has lost one of its purest and most devoted statesmen; Binghamton one of its best, most enterprising, beloved and prominent citizens; and the poor one of their truest of earthly friends. The reverend gentleman then referred to his intimate acquaintance with the deceased, to his genial nature and pleasing conversational powers, and classed him as one who had spent his life and means in trying to benefit humanity and his country, which he had served faithfully and successfully even to the detriment of his own health. Time or space will not permit of our referring further to the eloquent remarks of the reverend gentleman, which drew tears to the eyes of many of the congregation. He closed his remarks by referring, in a beautiful manner, to Mr. Dickinson's family, who, he said, were instilled with the same kind, charitable disposition, and the happiest moments in their lives seemed to be when they were helping the poor and needy.

Funeral sermons were subsequently preached in all the churches

PROCEEDINGS OF THE BAR OF NEW YORK
IN RELATION TO THE
DEATH OF HON. D. S. DICKINSON.

PRELIMINARY MEETING.

HELD AT THE NEW YORK LAW INSTITUTE, SATURDAY, APRIL 14TH, 1866.

There was a large attendance of the prominent members of the Bar present at the hour appointed.

GEORGE T. CURTIS, Esq., was elected as Chairman, and JOHN J. HILL, Esq., as Secretary.

The following named persons were elected as members of a Committee to make the necessary arrangements for the proposed meeting of the Bar, and to prepare and report appropriate resolutions for adoption at that meeting :

HON. EDWARDS PIERREPONT,
DANIEL LORD, Esq.,
HON. JOSEPH S. BOSWORTH,
HON. ALEXANDER W. BRADFORD,
WILLIAM M. EVARTS, Esq.,
HON. WILLIAM F. ALLEN,
EDWIN W. STOUGHTON, Esq.

The meeting of the Bar was afterwards appointed, by said Committee, to be held at the U. S. District Court Rooms, April 18th, 1866.

MEETING OF THE BAR OF NEW YORK.

HELD AT THE UNITED STATES DISTRICT COURT ROOMS, WEDNESDAY, APRIL 18TH, 1866.

At this meeting there was a very large attendance of the Judiciary and most distinguished members of the Bar.

The Judges of the United States Courts, the Supreme and Superior Courts and Court of Common Pleas, Mayor HOFFMAN and General DIX, Hon. HENRY E. DAVIES, Judge of the New York Court of Appeals, and

many other distinguished citizens of the city and State of New York, were present, and occupied seats near the bench, and within the bar.

This large Court Room was filled to its utmost capacity.

On motion of Judge PIERREPONT, Chairman of the Executive Committee, Hon. SAMUEL R. BETTS was appointed President of the meeting.

On motion of EDWIN W. STUGHTON, Esq., Judges DAVIES, SHIRMAN, BENEDICT, DALY, BARNARD, ROBERTSON, MASON, and DAVIS were appointed Vice-Presidents.

On motion of Hon. William F. Allen, Samuel Blatchford, Esq., and James C. Spencer, Esq., of the New York Bar, were appointed Secretaries of the Meeting. Judge PIERREPONT then addressed the meeting as follows :

MR. PRESIDENT,

Although it is very generally known that the eminent man, to whose cherished memory we have met to pay our grateful tribute, was religious in his sentiments, yet it may not be so generally understood that he was a communicant of the Episcopal Church. He had not long resided with us, and his private life and his charming domestic virtues may not be so well known here as in the country, at Binghamton, where his earlier and middle life was spent, and where he was known as only those who live in the country are known, and where such a vast concourse of sincere mourners followed him to his grave.

Five days before his death, and, it would seem, with some premonitions of his approaching end, he wrote some lines of poetry, addressed to his wife, the touching beauty of which will perhaps more truly reveal the tenderness and purity of his inner life than any speech that can be made. I propose to read them :

TO LYDIA.

In youth's bright morn, when life was new,
And earth was fresh with dew and flowers,
And love was warm and friendship true,
And hope and happiness were ours,

We started hand in hand to thread
The chequered, changeful path of life,
And with each other, trusting, tread
The battle fields of worldly strife.

We ranged in walks obscure, unseen,
O'er rugged steep, through vale and glen,
And climbed along the hillside's green,
Unmindful of the future then.

We caught the song of earliest birds,
We culled the loveliest flowers of spring,
We plighted love in whispering words,
And time sped by on fairy wing.

And as it passed, new joys were found,
And life was gladdened by the birth
Of prattling babes, who clustered round,
To cheer with smiles our humble hearth.

Fate thrust us forth, before the world,
And phantoms whispered earthly fame,
Where hope's proud banner is unfurled,
And happiness too oft a name.

Thus lured along, we rode the dark
And foaming tide of public life,
And proudly dared with slender barque,
The elements of storm and strife.

But storm and strife, thank Heaven, have passed—
The night has fled and morning come!
And we, tossed mariners, at last
Returned once more to hearth and home.

But of the loved ones God had given,
Two have returned—two sunk to rest—
In life's gay morning called to Heaven,
To the bright mansions of the blest.

They sleep amidst Spring-Forest's glades,
Where flow its streamlets' murmuring waves,
And oft at evening's gentle shades,
We'll weep beside their early graves.

Yet loved ones cluster round us still,
To gild the days of life's decline,
And whisper—'tis our Father's will
That blessings yet are yours and mine.

No change of life, no change of scene,
No fevered dreams, no cankering cares,
No hopes which are, or e'er have been,
Nor wrinkled brow, nor silver hairs,

Have ever changed that vow of youth,
Or blotted it from memory's page;
But warm as love, and pure as truth,
It ripens with the frosts of age.

A few more days—a few more years—
Of life's capricious fitful tide ;
A few more sorrows, joys and tears,
And we shall slumber side by side.

Then let us live—then let us love—
As when life's journey first begun,
Until we meet in worlds above,
When this sad pilgrimage is done.

In behalf of the Committee, appointed by the New York Bar, I have the honor to present the following RESOLUTIONS, and move their adoption :

To preserve in sacred memory the virtues of the deceased, and as a faint tribute of their respect for the late Daniel S. Dickinson, the Bar of the city of New York adopt the following RESOLUTIONS :

RESOLVED, That by the sudden death of Daniel S. Dickinson, while in the high and responsible office of District Attorney of the United States, the Bar has been deprived of one of its brightest ornaments, and the Government of one of its most faithful officers.

RESOLVED, That in the late Daniel S. Dickinson, we recognize an eminent example of a zealous, fearless and able advocate, and of a sagacious, incorruptible and patriotic statesman. That we shall ever remember him as a man of enlarged understanding, of quick perceptions, of noble impulses, of generous and kindest sympathy with his fellow-men ; as a true and devoted friend, of a warm heart and an honest mind ; as one of purest domestic virtues, and in every relation of private life as faithful, loving and beloved, and in the places of public trust which he so often and so honorably filled, as always upright, courteous and just.

RESOLVED, That while we tender our sympathy and our condolence to the bereaved wife and the afflicted family of the deceased, we find mixed with our sorrow consolation from the fact, that he died after an active and useful life, devoted to the service of his country, and to the good of his fellow-men ; and that he passed from the busy scenes of his earnest life, serene and peaceful, reposing with unfaltering trust upon the Christian's hope of a glorious immortality.

RESOLVED, That the proceedings of this meeting, duly attested by its officers, be presented to the family of the deceased, and that a copy of these resolutions be published in the journals of the city.

The resolutions were then adopted.

REMARKS OF JUDGE BOSWORTH.

MR. PRESIDENT,

Sympathizing with the family and relatives of the deceased in their great bereavement, and sharing in the respect which acquaintances and friends entertain for his memory, I can only regret that my ability is not commensurate with my wish to do justice to his merits as a citizen, lawyer, and statesman.

My acquaintance with him commenced at Binghamton, in 1831. In the fall of that year he removed to that place from Guilford, in the county of Chenango, in this State. At that time there was but one member of the Bar of that county, standing concededly and pre-eminently higher than any other in legal learning and ability. It was, therefore, a fair field for talent, united with industry and integrity, to struggle for professional success and eminence.

Mr. Dickinson, like many other men of our country who have attained great distinction, and secured and deserved public confidence and respect, began life without other resources than his ability, professional knowledge, industry, and integrity. He possessed a genial disposition, and this rapidly conciliated good-will. He was never found wanting in professional preparation or sound practical judgment, and these qualities soon won for him the confidence of suitors.

His earlier years had been passed in laborious and varied occupation, and his earlier associations and experience had made him acquainted with the struggles and emotions, and the feelings and views common to the mass of the intelligent and honest yeomanry of the country. It was natural for him to feel and think in unison with their feelings and thoughts, and he was consequently a formidable antagonist before a jury.

Within a short time after he became a resident of Binghamton, he was selected as the attorney and counsel of the Broome County Bank. He soon acquired a good practice, and one that was considered profitable, in the moderate views which then prevailed in that locality.

Within a few years, after removing to that county, he was usually retained on one side or the other of every important controversy. His growing reputation soon brought him retainers as counsel in heavy suits in adjoining counties. In the fall of 1836, when he was elected to the Senate of this State, his practice was as lucrative and gratifying to professional pride, as that of any member of the Bar in that Senatorial District. Four years of service in the Senate of this State, and subsequently two years as Lieutenant-Governor, followed by six years of arduous labor and engrossing duties in the Senate of the United States, interrupted his professional career. When he retired from the Senate of the United States, he resumed the practice of his profession with great

success, and has since devoted himself to it, except during those intervals, at times somewhat lengthy, when he addressed his fellow-citizens, in masses, on the exciting questions which, for a time, divided the two great political parties; or at a later period, on those higher political questions, in view of which, and in his view of duty, patriotism, honor and the interests and the safety of the country, alike required him to rally all he could influence, to support the Government, and maintain the integrity of the Union, without pausing to consider by what party the Government was administered, or whether each of its measures met his full approbation.

His life, which has been abruptly and unexpectedly terminated, was closed in the midst of high and responsible professional duties, as the Attorney, for this District, of the Government, in support of which he had severed the ties and associations of party, without renouncing its historic principles, and of a government whose authority over all the States and territories of the Union he had lived to see, as we hope, practically re-established.

I have mentioned that he was elected to the Senate of this State, in the fall of 1836. From that time to the time of his decease, he has been more prominently and extensively known as one active, able, and influential in the political world, rather than as a lawyer. By his industry, firmness and ability as a member of the United States Senate, his reputation became national. He had while there, the entire and highest confidence of the great party of which he was a member, and eventually commanded the confidence and respect of his political enemies.

The great jurist and statesman of New England, in the beautiful and unsolicited note which has recently met the public eye, paid to Mr. Dickinson, about the close of his Senatorial career, a generous and eloquent tribute which must have been gratifying to him, and one which his children may preserve as an honorable trophy won by the great ability and unflinching firmness of their father, in his support of measures which he believed essential to the well-being of our common country. But his political life I shall leave to be delineated by others more familiar with the inner view of the political scenes in which the deceased bore so conspicuous a part.

Of his neighborhood associations, and of the place he occupied in the feelings and regard of those with whom he came in daily contact in the place of his residence, I may, with propriety, bear testimony on this occasion. Our personal relations were friendly from the time our acquaintance began, until his death. Although I removed to this city in the fall of 1836, yet the residence of kindred and friends in Broome County, made me a frequent visitor there, and I think I know the feelings of that community in regard to him. He early became very popu-

lar with the mass of the people, and soon won, and ever subsequently retained, the sincere respect and regard of all classes. He was always active and efficient in furthering matters of public enterprise, calculated to develop the resources or advance the interests of that section of the State. He had a heart that sympathized with all cases and occasions appealing for relief or benevolent aid. He acted as well as spoke, and gave in the spirit of liberality which he urged others to exercise. His death made that community a sad one. On Saturday last his remains were taken to the beautiful village of Binghamton, to find their final resting place in the cemetery of the town where he has so long resided in increasing honor.

On that day all business there was suspended, private dwellings as well as the public buildings were draped in mourning, and all classes of the community were awaiting the arrival of his remains, and accompanied them, with every demonstration of sincere grief and respect, to his late residence. No more need be said to illustrate the esteem with which he was cherished by those who knew him most intimately, or their grief at his loss.

The many who have admired or respected him, but never entered his dwelling, may desire to know something of his life, in the relations of husband and father. He was a gentleman of domestic tastes and habits. He was hospitable, but without the slightest effort at ostentatious display. He was emphatically an affectionate father, every mindful of the interests and happiness of his children. They reciprocated his interest in them, and requited it with steadfast affection, and the most sincere respect.

The widow who survives him, has been a great invalid during the whole period of my acquaintance with them. She has been largely dependent upon him, in the varying changes of uniform ill health.

Neither the exactions upon his time by active professional occupation, however great, nor the cares and anxieties of official and political life, however absorbing, ever found him weary or thoughtless in his attentions to her, or in consulting her comfort and happiness.

But, notwithstanding her life has been that of an invalid, and his that of a man of uniform good health, he has been suddenly removed from the scenes of this life, and she survives, to mourn her great and irreparable loss.

In her deep mourning, there must come the consolation, that the kind and beloved husband, who so long and devotedly journeyed with her along the pathway of life, has gone to his rest, after a well-spent life, full of years and honor. But she has the more cheering consolation, that he died in the assured hope of a higher and happier life beyond the grave.

REMARKS OF CHARLES P. KIRKLAND.

The life of Mr. Dickinson furnishes a proud illustration of the beauty and beneficence of our form of Government. Born in humble circumstances, with no inheritance on his arrival at manhood but poverty and the name of honest parents, with no education except that obtained at the common schools of forty-five years ago, his time was spent from his majority till the age of twenty-eight in obtaining the means of support, in self-education, and in preparing himself for admission to the bar. This long period of legal clerkship was then requisite in his case, as he could furnish no certificate of time spent in *classical* studies. I was informed last evening by a gentleman who knew him in his younger days, that he was once an apprentice to a respectable but humble trade. But all this time he knew that wealth and birth were not passports in the "Great Republic" to eminence and fame; that the want of them was no bar to advancement; and under the genial influence of the consciousness of this truth he entered on the battle of life, and manfully fought his way to positions of honor and distinction. It is indeed wonderful that, under all his circumstances, he could have made the acquisitions requisite to enable him to obtain the reputation he subsequently enjoyed as a statesman, a lawyer, a speaker and a writer.

I met him first in the year 1832, at a convention in the County of Chenango, in reference to a matter then of great interest, and deemed of vital importance to his section of the State, and though he was at that time unknown to fame, I well remember his earnest and impressive appeals in behalf of the measure under consideration.

I will not dwell on his literary attainments, and will only say that the address which he delivered in July, 1861, before the Literary Societies of Amherst College, was the work of an accomplished and cultivated mind, and would have done no discredit to the best of our writers and orators.

In 1836, he was elected Senator of this State, and thus became a member of our highest court; and in 1837, the first year of his taking his seat in that body, he delivered a number of very able and learned opinions, which will be found in the reports of that day, and this, it must be remembered, only six years after his admission to the bar as counsel.

In 1842, he was Lieutenant-Governor of the State and ex-officio President of the Court just mentioned, and there again he manifested his ability as a lawyer and a judge.

From 1844 to 1851, he was a member of the Senate of the United States, and for much of that time was Chairman of the Committee on Finance. You will want no better evidence of the position he occupied in that distinguished body than is contained in a letter of Daniel Web-

ster to him, written after they had served together as Senators six years, and when Mr. Webster's term had expired. I cannot gratify this large assemblage more than by reading that honest and heartfelt testimony of the great statesman and lawyer to the merits and worth of our departed friend.

[*The Letter read by Mr. Kirkland, appears in the foregoing Biographical Sketch.*]

Mr. Dickinson's reply to that letter could not have been surpassed in beauty of sentiment and elegance of diction by the most graceful writer of our country.

Mr. Dickinson is the only man who has lived since Washington, and the only man, it may well be said, who ever will live, who could with truth say that he could, if he had chosen, have been President of the United States. In 1852 he was offered the Presidential nomination, and, had he accepted it, would have been elected, as subsequent events demonstrated; but he magnanimously declined the proffered honor in view of what he then deemed his honorary obligation to another.

Since his retirement from the Senate of the United States he has had the offer of several distinguished positions: Collector of this port, Commissioner to settle the Oregon Boundary, Judge of the Court of Appeals of New-York, all which he declined.

Day after to-morrow (April 20th) will be the anniversary of the day which, after all, Mr. Dickinson himself regarded as the most memorable of his life. On that day the great uprising of the people at Union Square, in this city, took place. Mr. Dickinson, on the morning of that day, left his house, over two hundred miles distant, for the sole purpose of being present and taking part on that great occasion; and well do I remember his appearance, as he arrived in his travelling dress, and covered with the dust and smoke of a long railroad journey, just as the meeting was being organized. He came under the inspiration of a pure and exalted patriotism, and it may well be imagined how his enthusiasm kindled into the highest glow when he found himself speaking in the shadow of the statue of Washington, and under the folds of the flag suspended over it, that had just been brought from Fort Sumter by the noble Anderson and his brave companions. The address he then delivered was of exceeding power and eloquence. It is to be remembered that he then belonged to the party, and to the "strictest sect" of the party, opposed to that then in power, and that, as a necessary consequence, his example and his teachings were of ten-fold influence. If all who were present at, and actually participated in that meeting, and all who then sympathized with it, had remained firm in the faith and true to the spirit of that occasion, the war of the rebellion would have been of comparatively brief duration

—vast amounts of treasure would have been saved, and the lives of hundreds of thousands of our patriot heroes would have been spared. He persevered and continued steadfast to the end, and did more, it may with truth be said, for the preservation of the Union and the overthrow of the rebellion, than any other single individual. His fellow-citizens very soon gave him the most flattering testimony of their appreciation of his merit and his services; in 1861 he was elected Attorney-General of New York by the unprecedented majority of nearly one hundred thousand.

How grateful it was to him to witness the glorious results of the efforts of himself and his compatriots for the maintenance of the Union and the preservation of the Nation! And if it is given to him now to know what is doing here, we may feel well assured that nothing would be more satisfactory to him than the mention of his career since the 20th of April, 1861.

How awfully sudden, Mr. Chairman, the departure of our friend! On Monday, in the vigorous performance of his official duty in this very Hall—on Thursday his spirit returned to Him who gave it. And how vividly should this event remind us of the lesson, so often taught and so little heeded, of the uncertainty of life!

His character unsullied throughout life, presenting an uniform example of industry, perseverance, integrity—his sincerity and honesty acknowledged by all, and forming the basis of his powerful personal influence—we have in him a model worthy of imitation everywhere; and his history, from its beginning to its end, may well be studied by every ingenuous and high-spirited youth of the Republic.

Nothing could be more grateful to me personally than to have the opportunity of paying this feeble tribute of respect to the memory of one who rose from obscurity to the highest position, who exhibited so much intellectual power and so much moral worth; who, in his own person, presented so shining an illustration of the kindly effects of our free government on the *individual man*; who, in the time of his country's peril, stood manfully forth for her defence and salvation; and who was so eminently entitled to the respect, esteem and gratitude of his countrymen.

REMARKS OF GENERAL JOHN A. DIX.

MR. PRESIDENT,

I have come, not without hesitation, to take part in this meeting; for, although my admission to the Bar of New York dates as far back as 1824, many years have elapsed since I withdrew from the practice of the law, and I have become unknown as a member of the profession. But I have yielded to the reflection that my association in the Senate of the United States with our deceased friend, during five annual sessions of

Congress, makes my presence here not altogether out of place, and enables me to speak of his many excellences of mind and heart with the advantage of a somewhat close and prolonged acquaintance. I believe I may truly say of Mr. Dickinson, that at every period of his life—from its first unassisted beginnings to the full development of his intellectual powers—he was a man of more than ordinary vigor, intelligence and determination. He went out into the battle of life with no other armor than his own indomitable courage, and triumphed over all the obstacles to his success by the force of a steady and unwavering resolution. His walk may be said to have been in the open arena of intellectual conflict, relying less on resources gathered by abstraction and study, than on the knowledge gained by observation and experience in the ever-shifting scenes of active life, where men are brought into perpetual contact with each other; and it was to this practical discipline during the period of half a century, that he owed his efficiency and success in his professional and political career. His familiar acquaintance with men, their business, their interests, their pursuits, their habits of thought, and the influences by which they are most commonly governed, made him always prepared to take part in popular movements, always ready to act with decision, and always capable of speaking with point and effect.

Kindred to these qualities, and almost inseparable from them, were a boldness in action and a fearlessness in speech very rarely surpassed. I never knew a man more free from all concealment. What he thought of men or measures, he never hesitated to speak. There was nothing about him of what the world calls policy; nothing of what the phrenologists call secretiveness; nothing clandestine, nothing tortuous; but everything fair, open and direct. In controversy he might have been rough with an adversary; but he would have scorned to circumvent him by hidden and unworthy arts.

A man with characteristics like these could not be without ardent admirers and devoted friends; and that he possessed social virtues, of which the outer world could know little or nothing, but which his intimate associates appreciated at their true value, is manifest from the universal sorrow caused by his death in the town in which he lived, and in which the whole population, with a common and spontaneous accord, have, as stated by Judge Bosworth, clad their dwellings in the habiliments of mourning.

Such public demonstrations of respect go very far to embalm in the memory of a community the virtues of those to whom they are paid. But, sir, there is something higher and better. The estimation in which a man is held at his own fireside, is the best evidence of his purity and worth. No man was more beloved by his family than Mr. Dickinson; no family was more blessed than his in the bountiful affection it received and returned. We need no other proof of the truth of what I say

than the lines, full of deep feeling and poetic grace, read by Judge Pierrepont at the opening of this meeting. Sir, it is one of the greatest of posthumous triumphs for those who have been prominent in public affairs, when the appreciation of their excellences and the sorrow for their loss grow more intense as we recede from the circumference of the great circle within which they moved, and draw nearer to the centre where they were most familiarly known.

You have, no doubt, noticed, Mr. President, that this year has, thus far, been one of extraordinary mortality among men ranging in age from three score years to three score years and ten. Whether it be from the severity or the changefulness of the season, or some special atmospheric influences, that death has made such unusual havoc with them, we know not. But we do know that numbers have been stricken down, almost without warning, and apparently in the fulness of their strength. It was so with Mr. Dickinson. It is but a few days since he was moving about among us, in the active discharge of his official duties, with a frame which the hand of time seemed scarcely to have touched, except in blanching, somewhat more prematurely and completely than with most men of his age, the flowing hair by which his general appearance was so conspicuously marked.

But, sir, I must not draw too largely on the indulgence of the gentlemen assembled here. My purpose was to offer, in the briefest manner, my tribute to the common stock of sadness for the sudden death of the departed statesman, and of sympathy with his sorrowing friends. Having stood side by side with him in the Senate Chamber at an eventful period in our history, not always agreeing with each other in opinion, never differing in unkindness, always cherishing for him a sincere respect, which I have reason to believe was as sincerely returned, it was thought that a few words from me in remembrance of our former association would neither be inappropriate or unacceptable to the gentlemen assembled here, though their professional avocations brought them much nearer to him than myself in the closing scenes of his life. Having performed this office—a grateful and yet a sorrowful one, as all such offices are—I desire to make a single concluding remark. When we pass in review the varied incidents of his life—his youth of earnest and persevering labor, his manhood of official and forensic activity, his public services, the social position he occupied in his latter years as the well-earned reward of half a century of unrelenting toil, and, above all, his fidelity to the cause of the Union through all vicissitudes—by conciliation as long as there was any hope of a peaceful solution of sectional controversy, and by a zealous and patriotic devotion to the Government when its existence was threatened by force, when we regard him under all these phases of his valuable life, we may truly say that a remarkable man has gone from amongst us, and that his career is a distinguished example of

successful effort, well directed and well sustained, in the acquisition of official and professional fame.

ADDRESS OF WILLIAM M. EVARTS, Esq.

MR. PRESIDENT, GENTLEMEN OF THE JUDICIARY AND OF THE BAR :

As we have been interested listeners thus far to Chief Justice Bosworth, who brings to us knowledge of the early life of the eminent man whose decease we meet to lament, and to the observations of Mr Kirkland respecting his professional career, who has a wide range of knowledge, situated as he was in the earlier part of his own professional life, a witness of his exertions and his success, also to the history which General Dix has given of the public labors and political distinctions of Mr. Dickinson, I can find but one reason why, from this assembly of the Bar, I should have been asked by the Committee to bear a share, so grateful, indeed, to me, on this commemorative occasion—and that is in the fact that in the last scenes of the efforts at our bar of this lawyer, this public man, this public officer, I bore a part. For it was in the case of so great public importance now pending before his Honor, Judge Betts, in which the Government was represented by the District Attorney, Mr. Dickinson, and the claimants by myself, that his last appearance in public, his last exertions in the labors and duties of life, took place. At the adjournment of the Court on Monday of this week, I left it, by your Honor's indulgence, to perform the duty of attending the funeral of a deceased relative in a neighboring State, and Mr. Dickinson, it seems, went to meet that death which now brings us here. In these strenuous contests of our profession, death comes in a more or less impressive form always, to those who are active and vigorous in the exercise of the duties and labors of our calling; and to all of us the death of Governor Dickinson was impressive, for his robust frame, his vigorous constitution, his unbroken health, his moderate age, attracted as little as to any one, solicitude or expectation of his passing away from us. But to me who, in this last of his conflicts, was his opponent, it seems as it were in one of the contests of the ancient games, when one should find the swift runner dropping at his side in the cramp of death, or the strong wrestler's spent life yielding in the last struggle of the combat. Mr. Dickinson was a new comer to this bar, but he had been preceded by a distinguished reputation as a lawyer and as a public orator, so that at once he assumed, in the recognition of the community and of our profession, an eminent position, when the high station to which the Government had called him brought him here as a resident and a leader for the Government in all its public cases, as well as in the routine of the business of the office of District Attorney. This, for the first time, introduced him to the personal and social ac-

acquaintance of any considerable number of our citizens, and I think that every one who knows the facts will agree with me in saying that, in the domestic circles and the social life of this great community, he won universal favor by the manliness and sincerity of his bearing and conduct. Mr. Dickinson impressed everybody as an honest man and as an earnest man, and his honorable poverty, which in his youth led him forward to such great services, attended him during his life, and is at the close still the companion of his unsullied fame. In a community—in a nation—which, of late, at least, has shown so much of that greed of wealth which is sure to accompany so rapid a development of its resources, this is undoubtedly a great tribute to one who has had so many opportunities, so many reasonable occasions, as the world goes, for having made advantage to himself out of his services to the public. Mr. Dickinson impresses us all, too, as a man who was altogether on one side; not partly on one side and partly on another; and I need not say that, in any manly estimate of public duty or private conduct, that is a character entitled to respect and affection, and sure to command them.

My first personal knowledge of Mr. Dickinson grew out of the fact that, in the political agitations of 1850 and 1851, he was thrown mainly into a co-operation with the great leaders of the party of which I was an humble member, in company with the great leaders of the Democratic party, of which he had always been a prominent, zealous, and efficient advocate. The great tie which brings men together, and which was so conspicuously exhibited in the notable letter of Mr. Webster to Mr. Dickinson, at that time, brought together many men who, in the traditions or in the habits of their respective parties, had looked upon one another with suspicion, distrust, and hostility. Now, there, Governor Dickinson, in the active part he took, was wholly on one side of the great question then pending, which was of union or estrangement between the States. Mr. Webster was not so correct in the horoscope he cast for Governor Dickinson's future life, in that touching note of his, which has been read, as, twenty years before, when there was the first dawn of the trouble and darkness which were to burst over this country, he was in his prayer for himself, that when he should last look upon the sun in the heavens, he might behold our flag, without a single star obscured or a single stripe erased or polluted, he might not look upon States dissevered and belligerent, or upon a land drenched with fraternal blood. And, in the settlement of 1850, that great statesman found a serene sky for his country, upon which he last looked in death. But you will remember that he foresaw for Governor Dickinson no probable occasion for as great fortitude, as great patriotism, as great services to this nation, as he had rendered in the pacification of our politics in 1850. Governor Dickinson lived to exercise the same spirit, to show the same determination to be wholly on one side, as much and through-

out during the civil war, and for the Union first, always and forever, and to bear a part in civil life and in popular influence of the greatest importance in this whole struggle, which, happily concluded, permitted him to look once more upon the flag of his country without a single star obscured or a single stripe erased or polluted, however many honorable wounds it may have received in the smoke and fire of battle.

Now, Mr. President and gentlemen of the profession, we must pronounce the career of Governor Dickinson earnest, useful, distinguished, eminent, famous; yet it is made up of the materials of the life of Americans open to the same traits of character and the same powerful intellect, whoever shall possess them, and whoever shall exercise them. He possessed those traits of character, he exercised those forms of preparation, and he acted in those paths of conduct which, under institutions like ours, are the most useful to the country, and receive the largest share of popular favor and of public distinction. And yet there was not the slightest sacrifice of any private virtue, nor the least surrender of domestic duties. The judgment of his countrymen of his public conduct would have procured no such attendance about his obsequies as was shown at Binghamton, if his private character had been less pure, if his life had been less beautiful; and, under the clear light of that judgment of the thousands that were within the range of personal knowledge of him, we see the estimate which our kind makes of such men; for I am told that as the train which carried his remains, without the noise of bells or whistle of the engine, slowly and silently entered the station-house, thirty thousand of his fellow-citizens were there in sorrow to receive him, and that when the procession formed which followed him from his house through a distance of a mile and a half to the place of his burial, through this whole passage, from the home of his affections to that house appointed for all the living, there was one continuous unbroken stream of living affection and respect, that thus connected these two abiding places of mortality.

ADDRESS OF JAMES T. BRADY, ESQ.

MR. CHAIRMAN AND GENTLEMEN OF THE BAR,

Although I accepted with pleasure the invitation to attend this meeting, and to say a few words to my brethren to-day, I did so with a consciousness that the state of my voice, which you may readily notice, would prevent my making any extended remarks, even if in the absence of that difficulty I felt the slightest inclination to do so. I have listened with you attentively to the truthful, eloquent and touching addresses of the gentlemen who have preceded me, to the eloquent elegies and eulogies of a good man. I do not know, gentlemen, how

those who have arrived at the period of life in which I exist estimate their fellow-creatures. Like you, I honor greatness, genius and achievements; but I honor more those qualities in a man's nature which show that while he holds a proper relation to the Deity, he has also a just estimate of his fellow-men, and a kindly feeling towards them. I would rather have it said of me, after death, by my brethren of the bar, that they were sorry I had left their companionship, than to be spoken of in the highest strains of gifted panegyric. When I think of Mr. Dickinson, I think of a man who, I am quite sure, had no guile in his nature, and who died leaving no living creature to rejoice at his death; and the man who can say that of himself, in the still watches of the night, when his conscience is inspected only by the Almighty and himself, need not, in my imperfect view of religious sentiment and duty, be much afraid to die.

I have no tear to shed over the grave of my friend, Mr. Dickinson. He might have lived longer, and his constitution seemed to indicate that he would; and for the sake of that dear partner of his young, as of his old affections, to whom Judge Bosworth so touchingly alluded, I wish that she had still retained his kindly attention and sweet society. But there is a time to die, appointed for all men. It was the will of the Creator that he should depart, and he has gone, gone gracefully and hopefully, out of this busy, distracting world. I say he went out of it gracefully, for we are told to-day (what I was delighted to hear), that almost the last act of his life which could properly be communicated to the public here, is, that in this spring time, with the vision of his sick wife before him, he went out, not amongst the children of the ground, which the poet has so beautifully called "the stars of earth," for a cluster of flowers to place in her delicate hand, but he culled them out of his own heart, and he has gone to the presence of his Maker with the odor of that intellectual bouquet pervading his soul.

I had the pleasure of enjoying the hospitality of Mr. Dickinson at Binghamton. It was on a memorable occasion—one of the many which illustrated that it seemed designed that, between him and myself, there should exist various and strong sympathies, political, professional and social. Mr. Dickinson and myself, as some gentleman here may remember, belonged to the small, despairing band in this State who carried into the political contest of the North, for the last time, the flag of the South, contending that the South should enjoy to the utmost, and with liberal recognition, all the rights she could fairly claim under the Constitution of the United States. How small that band was, all familiar with the political history of this State can tell. I was at his home. Hospitality is known and has always been known among all conditions of men. The fact that we have enjoyed it in the residence of a friend often prevents breaches of acquaintance, which,

but for that pleasant influence, might cease; and when once the foot has fallen upon the threshold with the certainty of welcome, it is the saddest thing in nature to feel that it can never press that threshold more. I observed there the beautiful relations between Mr. Dickinson and his family so well depicted by Judge Bosworth here. I saw him with his children entering into their sports. I witnessed his delight when music came to his pleased senses. I recognized in him that which never can be absent from a man and leave him entirely lovable, that the boy was not yet extinct. I am very happy to hear from my friend, Judge Bosworth, that our distinguished brother had devoted himself to religion. It is refreshing, when we know the tendency of the American people to infidelity, and which is a strongly marked characteristic of the times in which we live. I am sure he had a deep and an instructive sense of responsibility to Him

"Who sees with equal eye, as God of all,
A hero perish or a sparrow fall."

And I know, from his love of poetry, that he must have read and often repeated to himself those exquisite lines:

"There is a God on high who stoops to feed
The humming bird, and catch the tiny seed
Which falls from lovely wild flowers,
And in turn He'll garner up man's soul,
That precious germ, which but takes root
On earth to bloom on high,
A bright immortal flow'r that cannot die."

The proceedings were concluded by the movement of a resolution by D. C. BIRDSALL, Esq., as follows:

I could not, if I desired, add one word to the many eloquent eulogies that we have just listened to, respecting our dear departed friend. It has been truthfully said that he spent a long life in the useful service of his country. He has gone to that bourne from which no traveller returns, leaving as an inheritance to his dearly loved family but little except a spotless reputation, and a name that will live in fond remembrance in the hearts of the American people. I think it but proper that the citizens of New York, more especially the bar, should take some action towards the erection of a mortuary memorial, in commemoration of his many virtues, that future generations may look upon it and say, "Here lie the remains of a *great* and *good* man." It may truly be said of him, that "his life was gentle, and the elements so mixed in him, that nature might stand up and say to all the world—This was a man." I, therefore, offer the following resolutions:

Resolved, That a Committee of five be appointed, consisting of Hon. Joseph S. Bosworth, Hon. John A. Dix, Hon. Henry E. Davies, Hon. Edwards Pierrepont and Hon. William F. Allen, who shall be authorized to take such measures as may to them seem most expedient, to raise a fund for, and cause the erection of, a suitable monument to the memory of the late Daniel S. Dickinson.

Resolved, That the committees so appointed correspond and act with like Committees that may hereafter be appointed for this purpose at Binghamton or elsewhere.

The resolutions were unanimously adopted, and, on motion of Judge Pierrepont, the meeting adjourned.

SAMUEL R. BETTS,

President.

HENRY E. DAVIES,

WILLIAM D. SHIPMAN,

CHARLES L. BENEDICT,

CHARLES P. DALY,

GEORGE G. BARNARD,

CHARLES MASON,

NOAH DAVIS,

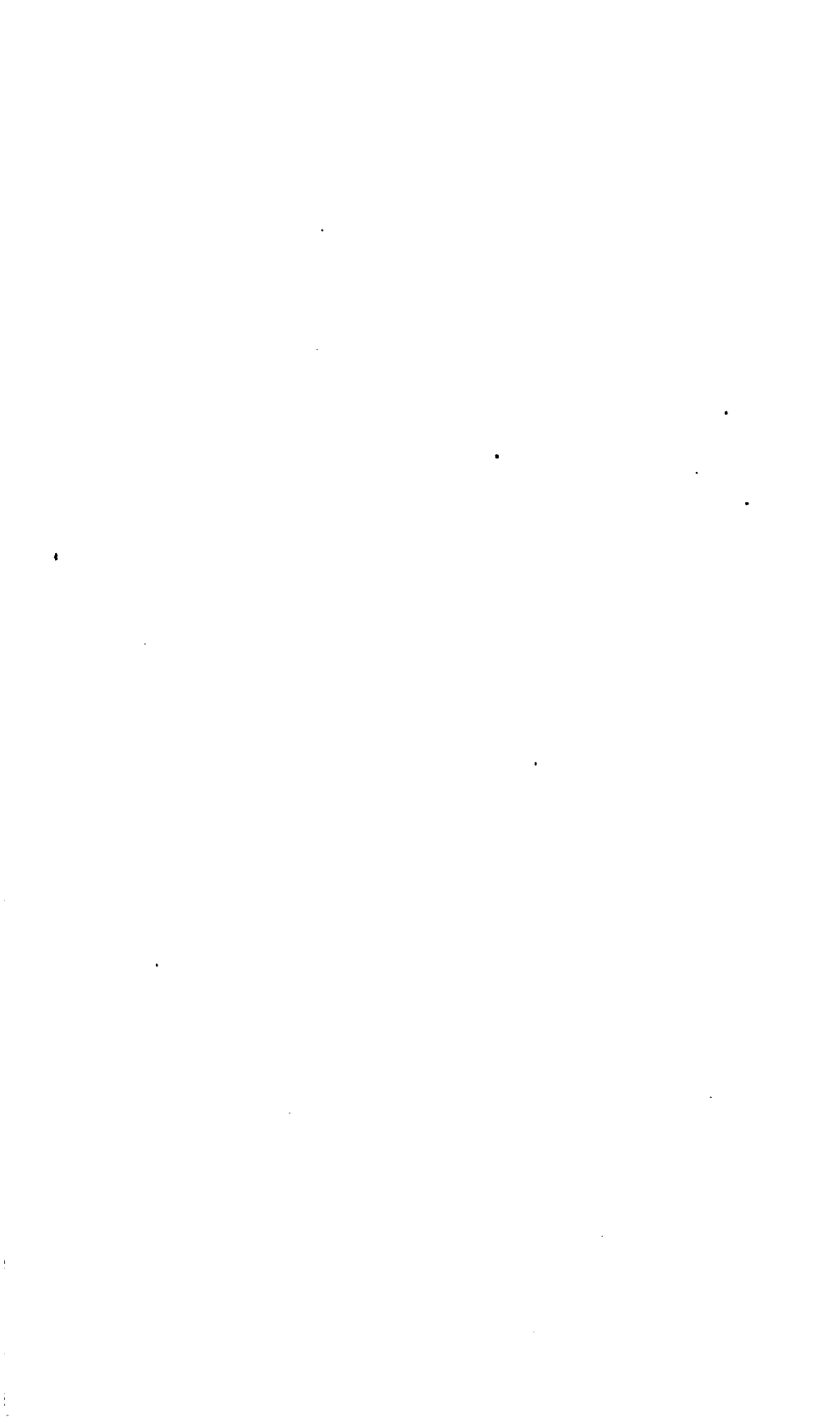
ANTHONY L. ROBERTSON,

Vice-Presidents.

SAMUEL BLATCHFORD,

JAMES C. SPENCER,

Secretaries.



DICKINSON'S SPEECHES.

SPEECH

ON THE REPEAL OF THE USURY LAWS.

DELIVERED IN THE SENATE OF NEW YORK, February 10, 1837.

[THIS Speech is the earliest of Mr. Dickinson's public addresses, of which a report has been preserved. It was made under the following circumstances. Gov. Marcy had, in his message to the Legislature, recommended the repeal of the Usury Laws; and the measure was brought forward in the Senate by the late Col. Young, of Saratoga, and supported with all his great and peculiar ability. At his instance the Senate ordered the printing of Jeremy Bentham's work against the policy and sense of anti-usury laws. Mr. Dickinson led the opposition to the proposed repeal. The discussion of the question in the Legislature was very animated, but the agitation ended for the time, and for many years afterwards, as a public question in the State, by the adoption, at the same session, of a law providing additional safeguards and severer penalties against usury.]

MR. CHAIRMAN—Having been placed upon the select committee to which was referred that part of his excellency's message which relates to a repeal of the usury laws, it would seem to be proper that the views which influence me in my conclusion should be submitted. It will be recollected that when this bill was reported by the Honorable Chairman of the select committee, I reserved to myself the right to act as subsequent reflection might dictate. I had previously looked at the laws as they existed; had witnessed, as I supposed, their salutary influences upon community, but had not examined in detail the causes by general reasonings, independent of their practical utility. which led to their enactment, or whether they could be sustained Inasmuch as the Honorable Chairman of the committee, who has advocated the repeal of these laws, did not submit his views by way of a report, I had indulged the hope, that in discussing

this bill, he would have favored us with all the reasons which he seems to suppose exist in favor of the proposed repeal;—that in addition to the splendid theory he has given us, he would have descended from this giddy height, and for a moment showed us the practical operation of this great and extraordinary change, upon the sober realities of human life;—that his giant intellect would have produced some reason which would tend to dispel the moral darkness, which he supposes pervades our land. But the Honorable Senator informs us he has no further affirmative reasons to urge—that he has said all he deems necessary to a correct understanding of the subject, and that we shall hear his voice no more, except by way of reply; and the friends of the existing laws are called upon to show cause, if any they have, why they should not be forthwith repealed.

Since this question was first agitated, I have brought to it my best consideration. I have endeavored to find out the reason for these laws as well as to test their practical operation. I have read the works of the celebrated Jeremy Bentham, together with those of various other writers who assert their utility. I have listened with profound and deep attention to the learned and eloquent reasoning of the Honorable Senator from the Fourth; and the result has been, that I am more than confirmed in the opinions which I had previously entertained. I have become satisfied that usury laws are not only proper, necessary and highly beneficial in their practical operation; but that they can be sustained and justified upon abstract principles alone.—Nothing but a great and abiding confidence in the justice of the conclusions I have adopted, could have induced me to trespass upon the time of this body; I do so with extreme diffidence and against fearful odds. The prompt and unequivocal recommendation of his excellency, for whose opinions I entertain the most unqualified respect; the unconquerable desire abroad to originate something new in monetary affairs; and the flood of light and learning shed abroad by the Honorable Senator from the Fourth, all seem to admonish me of the presumptuous task I have undertaken. But the laws sought to be repealed have had existence from the earliest history of man—in all ages and in all governments; they have become a part of our institutions; they have received the sanction of age;

they have stood the tests of experience ; they were incorporated into our system, and have been retained by wise and patriotic statesmen, and no system based upon mere theoretic speculation, however gaudy and inviting, should induce us to a change without looking to the reasons which move us, and the consequences likely to follow.

The bill introduced by the Honorable Senator from the Fourth, repeals the laws as to individuals, but retains their prohibitions as to corporations—thus admitting that the laws are just in principle, and necessary to be retained, to prevent enormous exactions by the banks ; and yet the bill tempts them to do indirectly what it seeks to restrain them from doing. By far the greatest portion of moneyed capital within this State is contained in banks ; it is their exclusive business to lend money ; the profit of a country bank depends mainly on the amount of its loans upon circulation ; and of the city bank upon the amount of its loans made upon deposits ; all are interested to extend their loans to their utmost means ; they are daily brought into competition ; and yet a proposal to permit them to deal in money at the “market price,” would meet with but little favor ; and why ? Because a moment’s reflection must convince the most inexperienced that such a measure would be fraught with consequences the most ruinous and fearful, and that their “competition,” like that of moneyed individuals would be combination. The sense of the community has been aroused upon the subject of moneyed monopolies. The people virtually ask for such modification of existing laws as shall reduce the profits of the banks to seven per cent. ; and they will receive with an unwelcome spirit indeed, a law which turns loose upon them the united moneyed power of the country. They have asked for a fish, and this bill offers them a serpent—one too of deadly kind that will sting them to the heart, however beautiful its lustre or insinuating its approaches.

The banks have been held forth here as soulless monsters of iniquity. In the fertile imagination of some, they stalk with horrid and terrific aspect through this hall ; now they stand forth in battle array and “shake their gory locks at us,” and anon they flit among us like the disembodied forms of pestilence and famine, and we breathe their contagion, and wot not of their approaches ; they are made to be the evil genius of noon-

day, and to fill the visions of the night with fear and consternation; and yet it is proposed both to extend and perpetuate their power. The intimate connection of the banks with the moneyed men of this day, forbids the idea of "*competition*." They are bound together in a common cause with chains of gold. Man is fond of power, and all experience has proved that a constant check is needed to prevent its abuse. Money has at all times, in all ages, and under every condition, been power of itself; and has shown that its career must be watched with that jealous and sleepless vigilance which is the peculiar characteristic of a free people, to prevent it from accumulating force to an extent which will enable it to aim at "undivided empire." No plan could be devised which would more effectually place the lash within the hands of moneyed monopolists, to scourge and chastise a people, than a repeal of the usury laws.—Repeal these laws as to banks, as well as individuals, and a scene of extortion, ruin and distress which would put the darkest portions of the history of the old world to the blush, would follow. Repeal them as to individuals, but suffer them to remain as to corporations, and you place a temptation before the moneyed men, most of whom are associated with banks, too strong for human nature to endure, which avarice and cupidity cannot and will not resist; a temptation more mighty than that which caused the angels to sin. Pass this bill in *either* form, and you invite every moneyed man and every bank to curtail their usual accommodations, until they create a demand which will raise the "rate of usance here with us in Venice" to such rate, as will induce them to grant the "supply;"—to such rate as will bring a train of evils more dreadful than "war, pestilence, and famine."

In casting about for evidences of public sentiment to justify the proposed change, in addition to the choice spirits of the old world, who have been called from the "vasty deep," the Honorable Senator from the Fourth has mentioned that an honorable *ex-senator*, now within this chamber, has recently been made a hopeful convert to his creed; but whether his conversion was as sudden and miraculous as that of Saul of Tarsus, and like his, was produced by the great light which has been shining round about us here at noonday, he has not condescended to declare. The information is well, and when I reflect

upon the little number, "few and far between," who will join in the funeral procession of this bill, I most fully appreciate the avidity with which he seizes upon a single name.

The Senator from the Fourth has informed us that few writers have ever ventured a defence of the usury laws; that no one of any merit has attempted to vindicate them for the last half century; while he points triumphantly to Jeremy Bentham's essay as affording a most perfect and memorable illustration of their absurdity and utter worthlessness. He, moreover, congratulates himself that of the works of those who have attempted to justify these restraints upon "natural rights," not a single one remains. They have, says he, fallen still-born from the press, or gone down to the dark gulf of oblivion. But let us inquire for a moment how it was with Jeremy Bentham, whom the Senator presents as a great and shining light in the political firmament, held aloft as a beacon to warn us of the rocks and shoals where the ark of our political safety may be wrecked. To whom does he owe his perpetuity? What friendly hand has snatched him from the extended jaws of all devouring time and served him up to the political epicures of our country? But a few days since, and we "wot not what had become of him," his light was under a bushel, and "lighted but itself." My colleague, Mr. Mack, informs us, that his great anxiety to cast his eyes over his instructing and convincing pages, caused him to make search throughout this State and country for Jeremy Bentham, but in vain; that he has had, for two long years, an order standing with an English bookseller, but has been unable to find him in modern Europe. The Senator from the Fourth had a mateless copy, which, like the survivor among the servants of Job, had been spared from the general ruin, to tell of the fate which had overwhelmed all others around it. This, by the paternal and fostering care of the Senate of the great State of New York, has been rescued from the forlorn fate of its brethren, and warmed into life and motion. But for this, the renowned Jeremy Bentham himself, with all his "blushing honors thick upon him," would have been virtually numbered with the things that were, and the State of New York would have been compelled to legislate in darkness.

The first great principle sought to be established by the

Honorable Senator from the Fourth is, that the usury laws are infringements upon "natural rights;" that money is like merchandise, and should be left open to competition—to be bought and sold at the "market price," and to be regulated by "demand and supply" alone. This is the great and radical error; an assumed fact without evidence to support it; for, however nearly *money* and *merchandise* may be allied in point of theory, they will be found to be essentially different in their practical tendency; for although money is a *commodity* in a strict, yet it is not in a popular sense of the term, and though money may be merchandise, merchandise is not money. Merchandise is a vendable, *consumable* commodity, and, in its most enlarged sense, valuable as such. The value of money is intrinsic and exchangeable only. Merchandise is the immediate reward of productive industry at the will of the producer—money remotely at the will of others. Money is an attribute of sovereignty; its creation, kind and value, to some extent, are controlled by the supreme power of the country, and is in the hands of the few. Merchandise is the direct offspring of individual enterprise, and is in the hands of all. Money is made a tender in the payment of all debts at the will of the debtor. Merchandise is not, but can be so applied only at the will of the creditor. Money is always passed at a fixed value—merchandise at such price as can be agreed upon by the parties. Money is practically convertible into *any and every* species of existing property; it is in a word the necessities, comforts and luxuries of life; in a temporal sense, the "one thing needful" and capable of creating all things out of nothing—like the ale of Boniface, it is "meat, drink and lodging."

Property, other than money, is valuable in its exhibition, use and display; money in its secret and hidden influences. Property is the object of the senses; its existence and extent are always known; money, like faith, is the "substance of things hoped for, and the evidence of things not seen." Property is perishable; the fashion of the world renders it valueless; its place is supplied by the returning "seed time and harvest." Money is an article which neither "moth nor rust corrupt," although "thieves break through and steal." *Money is the measure of all value*; it has a stated and permanent value by authority of law; and being so, there is a propriety in fixing

the value of its *use*. The fixed interest of money is the rule by which the prices of property are graduated. The purchaser of a farm determines the price by ascertaining whether it will pay the interest upon the purchase money; the landlord makes the same a standard in fixing his rents. Unsettle the interest of money and you have no longer a standard by which anything can be regulated. Money has been truly denominated the root of all evil; it is the shrine at which men are wont to worship with an eastern idolatry; it has led man captive in its golden chains in all periods of his history; its power all can feel, but none describe. It has led men into temptation and betrayed innocent blood; it answers all things, and nothing will supply its place. Its peculiarity is indicated by the fact that when the Son of Man was on earth a miracle was wrought to obtain it to pay a tax to Cæsar, whose image and superscription it bore; and should the usury laws be repealed, miracles would again be required to obtain it.

It is further said by the Honorable Senator from the Fourth, that money, being like merchandise, if left to "regulate itself," would soon become not only extremely plenty, but that the rates of interest would be much less than seven per cent. To this proposition I emphatically interpose a prompt, broad and unqualified denial. I am aware that with my inexperience in matters of legislation, I shall be unable to compete with the great legislative learning and experience of the Senator from the Fourth, and in attempting to wield arguments founded upon abstract theories and metaphysical subtleties, I should feel like David in the armor of Saul, as though I had not proved them. It is my intention to speak of the practical affairs of life, to look upon them like an inhabitant of this world. It is my highest ambition to trace effects from their true causes—to follow them to their source—to learn what would be the operation of a repeal upon the great mass of the people, upon the interest of the farmer and mechanic, from whose ranks I am proud to acknowledge I came, by whose side I have toiled, and whose interests I claim to understand; and with such knowledge I proclaim with corresponding confidence that a repeal of these laws would place the usurer's gripe at the throat of every poor man in the community. He would live, and move and have his being, at the bidding of his oppressor; he might indeed sound

the *name* of liberty, but it would be a lingering over the remains after the spirit had fled.

That a repeal of the usury laws would reduce the rate of interest is, however true in conjecture, notoriously false in fact. There is one single proposition that will show the fallacy of this last grand delusion. An interest of fifty per cent. per annum would undoubtedly be so far without the pale of "shackles," "free trade," and "market price," as not to affect injuriously this new-fangled doctrine of "demand and supply;" or in other words, all the alleged advantages of the repeal, at the "*competition*" expected to take place, would be most fully and abundantly realized under such a law, and yet who would dare hazard his reputation for sanity by voting for it. Who would, after giving such vote, ever show his face to his insulted and betrayed constituents? Who would presume to raise the rate of interest by his direct vote a single per cent.? No one;—for he would well rest assured that an indignant people would rise in their might and scourge the money changers from the temple of legislation; and yet it is gravely proposed to take off all restraint; to arm the strong against the weak; to make the rich richer, the poor poorer, and the potent more powerful.

But we are asked by the Senator from the Fourth, if we are afraid to trust the people; if we think we know what is for their benefit as well as they know themselves; whether we wish to constitute ourselves their guardians, and make bargains for individuals. This, sir, is beautiful, and well becomes the ear, but recommends itself most miserably to the heart and judgment. When summarily stripped of its specious disguise, it will be found to be unworthy of serious consideration. I acknowledge myself second to no one in my admiration for the intelligence of the people; but, sir, for what are we legislating? To protect the people from foreign aggression, or against the inhabitants of the moon? No, sir, but from the rapacity of those among themselves; to guard the weak from the strong; to make laws for the protection of virtue and the punishment of vice; to strengthen the social compact and add beauty and harmony to the structure. This hall, the very seats we occupy, bear evidence that man proposes to enact laws for his government. Why are we here legislating upon matters of interesting import, if this fulsome doctrine be true? Why not abolish

all restraint, and let confusion and anarchy ensue, until matters "regulate themselves?" Look for a moment through our entire code of laws, and you will find there a "rule of action, enforcing what is right, and prohibiting what is wrong," intended to curb the depraved and licentious passions of men, which may perhaps, in individual cases, operate harshly, but the general influences of which are beneficial and salutary.

We have a law requiring all carriages meeting upon the highway to turn to the right. Now, to adopt the reasoning of the Senator from the Fourth, how do the legislature know which is the best side for the teamster to turn out? They had better take the whip and reins at once into their own hands, if they know how to drive so much better than he. Though there are barriers as insurmountable as the walls of China, or gulfs as impassable as that which separated the rich man and Lazarus, the law is peremptory, and requires all to turn to the right; and yet I have never learned that the utility of this law was ever questioned. We have a law requiring druggists to label all medicines which are highly destructive of animal life, "*Poison.*" Why this officious intermeddling with the affairs of individuals? In the language of the Senator from the Fourth, do the legislature fear that the people have not intelligence enough to know what poison is, without legislative aid? The legislature had better take all the druggist shops under their own superintendence; and yet who has not concurred in the propriety of such a law? By law no man is permitted to burn his house, though he may destroy it in any other way he pleases. And here again the lawgiver presumes to know what is just and proper to the exclusion of the opinions of the individual; and yet this has, so far, remained unassailed. A dissolution of the marriage contract is expressly prohibited unless declared by a court of equity for cause; and that too though a Socrates and Xantippe are bound together in the silken cords, and although they both desire to dissolve the relation, because the legislature assumes to know what is just in the premises, better than the parties; and who has murmured at the existence of such a law? In short, all the laws of society are more or less arbitrary in their character; they are but the declared opinions of the people through their representatives, intended for the general good. All nations, whether savage or civilized, ac-

knowledge their necessity and yield obedience to their dictates ; the good citizen yields a portion of his "natural right" to society ; that he may enjoy in return its protecting benefits.

Human nature, in all its stages, seems to have needed control. When man was yet pure and holy, reposing in the luxuriant bowers of Paradise, basking in the smiles of Divine favor, and regaling himself with fruits of heavenly culture, he was forbidden to eat of the fruit of the tree of knowledge, and forewarned that in the day that he should eat thereof, he should surely die. Nor because the law was violated was it repealed, as is suggested by modern wisdom, but was enforced in its awful spirit, and

" Nature from her seat, sighing through all her works,
Gave signs of wo that all was lost."

Since man's fall from his high estate, his sad and eventful history, whether derived from the mysteries of inspiration or the daily experience of life, clearly indicates the necessity of fixed laws to restrain the evil passions of his nature ; for although the moral code may influence a majority, may point the way to the virtuous and the good, yet there are those in all communities, who can only be restrained by penal enactments from an indulgence in their depraved appetites and passions.

The sin which has most easily beset man in all ages, has been the oppression of his fellows. The first man born of woman slew the second, and that he in his turn might not fall by the hand of violence, the Lord set a mark upon him that no man should slay him. Lust, avarice, revenge, and all the baser passions of his nature, have been held in check by the salutary operations of law ; and while too many have had the turpitude to transgress, there are few who have been able to escape its penalties. If its provisions are found inadequate, a more perfect and severe enactment is suggested ; and although there may occasionally be found a Samson, who will break the seven green withes of legislative restraint, their general effect is not the less beneficial to society.

Avarice, as a base and sordid passion, stands high in the dark catalogue of man's depravity. Like jealousy, it "makes the meat it feeds on ;"—like the kine of Pharaoh's vision, the more it consumes, the more lean and hungry it becomes. Un-

like all other propensities, it "seeks no intervals of abstinence to edge the appetite;" it chills and withers the social affections of the heart, and freezes the "genial current of the soul."

When the seducer looks abroad into the garden of creation, and sees the flowers which his infidelity has blighted, when he reflects upon the blasted expectation and disappointed hope, the bitter tears of unavailing repentance, although he can "smile, and smile, and be a villain," he feels compassion, and for a moment mourns over the ruin he has wantonly created. When the murderer has laid the object of his fiendish revenge in bleeding helplessness at his feet, he merges the demon in the man, and cries out in the bitterness of his heart that "his punishment is greater than he can bear." Even the haughty and ambitious Cæsar, when he had vanquished and slain the noble and chivalrous Pompey, looked upon his late rival's signet and wept. But the marble cheek of avarice was never moistened with a tear, or its bronzed heart warmed with a generous and sympathetic feeling, for the miseries of the unfortunate. It "devours the widow's house and orphan's bread" with remorseless appetite, and looks with cold indifference upon the wretchedness of its own creation. It heeds not

"——How many drink the cup
Of baleful grief, or eat the bitter bread
Of misery; sore pierced by wintry winds,
How many sink into the sordid hut
Of cheerless poverty."

The laws sought to be repealed were intended as restraints upon this all-absorbing passion. They formed a part of the Mosaic code. An attempt is made to show their injustice and folly for the reason that they only prevented Jew from taking usury of Jew, but left him free to extort from others. A moment's attention to the letter and spirit of the laws as they existed with the Jews, will fully demonstrate justice and wisdom in their origin:

In the 22d chapter of Exodus, 25th verse, is the following rule:

"If thou lend money to any of my people that is poor by thee, thou shalt not be to him as a usurer, neither shalt thou lay upon him usury."

In the 25th chapter of Leviticus, 36th and 37th verses, **the Jews were prohibited in their intercourse with a stranger, if "needy," from taking usury, in the following words :**

"Take thou no usury of him, or increase, but fear thy God, that thy brother may live with thee."

"Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase."

In the 23d chapter of Deuteronomy, 19th verse, is the following :

"Thou shalt not lend upon usury to thy brother, usury of money, usury of victuals, or usury of anything that is lent upon usury.

The succeeding verses declare that usury may be taken of a stranger.

Usury, then, meant any interest for mere *use*.—The Jews were a peculiar people ; they had no commerce, and money was with them rather a *treasure* than an article of trade. They had just been freed from a state of the most abject, degraded, and tyrannous vassalage by miraculous interposition ; they had seen the waters of the sea cleave to the right and left to further their escape, while their enemies and persecutors were overwhelmed in its bosom ; they were wending their way to the land of promise, which, in the fervor of oriental eloquence and figure, had been pictured to their imaginations as "flowing with milk and honey ;" they were fed by the spontaneous productions of Heaven, and at the command of their leader, fresh water leapt from the barren mountain rock. They were admonished by the bondage and persecutions from which they had escaped, by the power which sustained them through all their eventful vicissitudes, to cultivate a spirit of kindness and benevolence among themselves ; to look with compassion upon the needy, and to watch with jealous eye the motives of strangers. They gave a signal demonstration of the implacable hatred they bore their masters, the Egyptians, as well as of their attachment to a "*hard currency*," by borrowing, not to be returned, their jewels of silver and jewels of gold. They further manifested their partiality for the "*precious metals*," by converting them into a calf for their adoration ; but whether

the term "*bull-ion*" was derived from this circumstance, I leave to the modern learned in such matters to determine.

Greece, which was among the earliest commercial nations, had no usury laws ;—the "trade in money was left to regulate itself by demand and supply ;" she had, to be sure, the idle and useless enactment that no banker should demand or recover more than was fixed by the original contract ; accompanied by a kind of statutory *exhortation*, advising that the interest upon money should be "*moderate*," admitting that some restriction was desirable and necessary, to check the avarice and cupidity of man :—but what was the result of "*free trade*" in Greece ? Money was usually *sixty per cent. a year*, and a loan for a voyage to the Euxine Sea, which took but six months, was charged with *thirty per cent.* This exorbitant exaction was assailed by various individuals, among whom was Aristotle, who, because money would not generate nor vegetate, pronounced it barren, and condemned the practice of taking any interest whatever ; thus betraying about as much ignorance of the practical tendency of his subject on the one hand as has the renowned Jeremy Bentham on the other.

In the early days of Rome, there were no usury laws ; but the popular complaint which shook to its foundation the eternal city was the exorbitant rate of interest demanded by money lenders. This nation had no commerce which could justify it, and yet the rate of interest was frequently nearly or quite fifty per cent. That these rates were deemed intolerable and oppressive, is sufficiently indicated by the fact, that when Rome gathered her elements of jurisprudence from foreign nations and enacted them into a code of laws, which were written upon brass called the twelve tables, forming the statutes of the land, the rate of interest was fixed at one per cent. per annum. Next came the Licinian Law which forbade all interest. But the laws of Rome in this, as in most other cases, exerted but a feeble influence ; there was a continual war between Patrician and Plebeian. When the money lenders bore sway, and could procure the courts of justice to enforce their contracts, their oppressions were grievous, and their power was exerted to such extent as to render it deservedly offensive and induce the people to throw it off, the earliest moment they could bring into action sufficient moral courage and physical force.

It is evident that a great share of the prejudice which has obtained against usury laws, proceeded from the blind and fanatical spirit with which usurers were formerly treated. In the early history of England, Bracton, Fleta and other civilians, bear evidence to the abhorrence in which usury was held, and to the severity with which usurers were punished. King Alfred confiscated the estate of the usurer, and ordained that he should not be buried in consecrated ground. Edward the Confessor banished the money lender from England. Charlemagne, king of France, prohibited the taking of any interest. In the reign of King Henry VII., by the authority of the Church, usurers were *damned*, prohibited the realm and ranked in point of turpitude with murderers; and in Rome, while a thief forfeited only *double*, the usurer forfeited *four fold* the amount unjustly taken. In the reign of Henry VIII., as commerce advanced, and money began to be more used to advance its interest, the rate of interest was fixed at ten pounds upon the hundred per annum. But this not having the desired effect the statute of fifth and sixth of Edward VI., after reciting that usury was an offence against the laws of God and man, and was "*seized upon by divers greedy persons*," repealed the statute of Henry, and enacted a highly penal statute, prohibiting any interest whatever. The thirteenth of Elizabeth repealed the statute of Edward, and revived the statute of Henry VIII. In the reign of James I., the rate was reduced to eight pounds upon the hundred per annum; but it was expressly provided that it should not allow the taking of interest, in point of "*religion or conscience*." The twelfth of Charles, reduced the rate to six pounds upon the hundred: and the twelfth of Anne to five pounds, where it still remains.

There has always existed a strong moral feeling against extortion. In the early ages the feeling was aided by the power of the Church, or rather by fanaticism and superstition. The unwarrantable severity with which the usurer was punished, has been urged as an argument against the laws, when the manner in which they were administered was entirely the fault of the times. The people were unschooled in the principles of moral philosophy, and the vacillating, sickly administration of justice afforded them at best but temporary and inefficient relief. It was the policy of the warlike and ruffian hordes, whose

rule of ruin distracted the country they infested, to build up with one hand and pull down with the other;—one day turning loose the usurer upon his prey, at another persecuting him with corresponding vengeance and treating him as a murderer. Had their laws been fixed and unyielding, their punishments proportioned to the offences, we should have little to urge against them, because they belonged to other times. The Jews in England and France were money lenders, and the general treatment they received in the former country may be learned from the fact that the prodigal King John, having occasion to “*demand*” a thousand marks, did so of a Jew at Bristol, who being rather tardy in granting the required “*supply*,” by the order of the king, had a tooth drawn each day to the number of seven, when the matter “regulated itself” and the amount was paid.

[Here Mr. Young interrupted Mr. Dickinson, and said this was all occasioned by the usury laws.] Mr. Dickinson continued, No, it was upon the magnificent principle of “*free trade*,” and allowing matters to “regulate themselves. The Jews were a despised and persecuted race; they were called dogs, and were not allowed the protection of the laws; and hence as to them, there was no law upon the subject;—the scheme of free trade and “natural right” had its fullest scope,—might made right; as it always must when legal restraints are abolished; King John created and made the “demand,” and the poor Jew sitting like “patience on a monument (and occasionally) smiling at grief,” after the seventh tooth was extracted, concluded to capitulate, and granted the “supply;” and this is one beautiful illustration of permitting matters to “regulate themselves” without being retarded by the “*shackles of the law*.”

But it is said that the usury laws are the relics of a barbarous age, and should therefore be repealed. I had supposed that their antiquity, would at least command for them respect;—that if *positively* beneficial in their operation, they were not the *less so*, because they had existed in earlier ages; and that their adoption by all governments was some evidence of their obvious utility and necessity. Do the rains of heaven cease to impart their influences to the vegetable world, because they have descended upon the arid plains and sterile desert?—Does the sun withhold its genial warmth from us, because its invigorating

beams fell upon the Goth and Vandal? And above all does the institution of religion appear less grand and beautiful because its existence can be traced to the earliest history of man? There is an awful sacredness in its years, a fearful sublimity in its doctrines, a holiness and purity in its venerated character, at which the sacrilegious hand recoils with intuitive reverence. It will stand erect amid the desolations of time, when all the modern devices of Satan, whether the stupid vagaries of Mormonism, or the shameless indecencies of Fanny Wright, shall be quietly closed down in the stagnant pool of oblivion.

But it is said by the Senator from the Fourth, that the laws are disregarded in some portions of the State, and should therefore be repealed; and this argument is gravely urged in the Senate of this State; in a country boasting of institutions; professing to be governed by laws. Setting a reward upon crime and offering a premium for insubordination, the law-giver is asked to go hand in hand with its violator, to trample down the rules which have so long been regarded as safeguards against wrong and oppression; and that, too, because men have been found sufficiently reckless and depraved to violate them, at the instance of those who fear not God nor regard man. It was ordained of Heaven, that "whosoever sheddeth man's blood, by man shall his blood be shed." This has formed a part of our penal code: and yet often the assassin's dagger drinks the heart's blood of its victim; and who, for this, has asked for a repeal? We have laws against mobs and riotous assemblies; and yet in our cities the lawless spirit of insubordination, violence and ruffian force, has but too often disgraced our country and rendered it a byword and reproach; the dwelling of the citizen has been sacked, its contents given to the bonfire in fierce and savage triumph, and while the fiendish spirit has gloated over the ruin of its hands and darkly muttered its approval, who, for that reason, has asked for a repeal?

I am aware that this is an age of peculiar wisdom; that all the experience which has gone before us is pronounced folly; that there is a miscalled *reform* abroad which aims its scorpion sting at the most valued institutions which form our social system; which assails with Vandal ferocity monuments reared by wisdom, hallowed by time, and rendered venerable with years. It is a wild, heedless and Robespierrian spirit, which seeks to

sully the ermine, and profane the sanctuary; which spares neither "elevation nor humility, nor the charities of life, nor the fireside, nor the altar." Under the imposing and specious garb of *natural rights*, it seeks to ride in havoc over our happy land, spreading in its desolating course seeds of wickedness, disease and death. Let me be understood to raise against it my feeble voice; to stigmatize it as vicious and demoralizing, as being the offspring of a diseased imagination, and the outpourings of a turbulent and licentious spirit.

When laws are violated, it is the business of legislators to supply defects by further enactments; to fortify instead of repeal; and to that end I have introduced a bill, making the same rule at law as at equity; increasing the facilities for proof; giving the lender the sum equitably due; but subjecting him to loss of the usury and costs. Pass this bill, and the "market price" will soon be the legal rate; the laws will then be respected and observed, and order and harmony will again commence their reign; its effects will be like that of the brazen serpent, usurers will look upon it and be healed.

But the Senator from the First (Mr. Livingston) has favored us with a bill repealing the usury laws as to "commercial paper having ninety days to run." Here again is the bearded hook, although it is splendidly baited. What would be the probable effect of such a law upon the interests of the country? I readily admit, in a community highly commercial, its operation would be far less injurious; but it is proper to examine for a moment, and see whether it is worth while to entail a lasting and bitter curse upon a whole community, to gratify a few Shylocks in Wall Street. If they are grown wiser than the law, and disregard its provisions, it can matter little to them whether it be modified; but what would be its effect upon the interests of the great mass of the people of this State? There is yet due for land, upon bond, mortgage, and contract, an enormous sum of money, in addition to permanent loans and debts contracted in the every-day business of life. Ninety-nine dollars in the hundred of this sum, by the terms of the contract, is *now* due, but is permitted to remain, for the reason that the creditor believes that at the legal rate of interest is as well as he can invest his money; and so believing, he is willing it should remain, provided the interest is paid annually. Pass

this bill, and you ask the creditor to call in his debt, for the purpose of reinvesting it in "commercial paper;" or if this is inexpedient, he will have use for commercial paper himself, and will *invite*, nay *compel* his debtor to give him his "commercial paper having three months to run;" will subject him to the "market price," which will be measured by the conscience of the creditor, if he has one, and the necessity of the debtor; and the mortgage will be retained to keep good the security. It is idle to suppose that such a law can be passed without bringing in its train all the curses which would follow an entire repeal,—it is a distinction without a difference. I should regard the passage of such a law as bringing the head of every man of moderate means in the country to the block, to gratify the greed of the restless speculators and gamblers of our commercial cities.

When Goldsmith mourned over the desolation of his deserted Auburn; beheld her rural scenery swept away by the spoiler's hand; her rustic people supplanted and driven abroad; in the indignant fulness of his heart he exclaimed:

"Princes and lords may flourish or may fade,
A breath may make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed can never be supplied."

So with the speculators of the present day, "a breath may make them as a breath has made." It has become the fashion of the times in your cities, for the man who retires to rest without a dollar, to awake from his dreams and count upon his hundreds of thousands by a rise in the "market price" of lands or stocks; and to further his views, and enable him to gamble on, we are asked to pass a law which will strike at the root of every interest of the people. It is the business of years, in the country, to acquire a competence; the process is slow and toilsome. The farmer's or mechanic's profit is the silent reward of persevering industry; he is quiet and contented under the general system of laws, and desires to be left to pursue the "even tenor of his way." The repeal of the usury laws may be *sport* to the heedless speculator, but it will be *death* to the laboring and producing classes.

But it is said by the Honorable Senator from the Fourth,

that the usury laws prevent *competition* between money lenders ; that if the laws are repealed, money will flow into the State freely, and that there will be an abundance to be loaned at *less than seven per cent.* Who, I ask, believes that it will be so ? Interest is intended to be the fair average value of the use of money ; that it may not reach every individual case is not pretended ; there is an average *moral* rate, and that should be and is, in contemplation of law, the legal rate. Seven per cent., I assume, is not only a fair compensation for the use of money, but is the average value of its use. Who has ever known a money lender, however unenterprising and stupid, and however humble his beginnings, who has not grown into affluence by an interest of even seven per cent. ; while his vigilant and enterprising neighbor, who has embarked in any other business, has failed to keep pace with the gains of money accumulation. No one will pretend that a fair *competition* is prevented at less than seven per cent. The rate of interest in England is five per cent., in France four, Holland three, and in all the adjoining States six. Now where is the capital to “*flow in*” from ? How does the Senator from the Fourth explain why capital will be invited at an interest of *less* than seven per cent., when it will not come at seven ? But why does not this liquid substance begin to “*flow ?*” Two per cent. has invited England ; three per cent. has invited France ; four per cent. has invited Holland ; one per cent. has invited all our neighboring States, and yet the capital, we are told, refuses to “*flow in.*” Now I not only invite, but triumphantly challenge the learned and Honorable Senator from the Fourth to prove that capital will be *more abundant* after repeal than it now is, and at an interest of less than seven per cent. I implore him to tell us where it will come from, and why it will flow in at less than seven per cent., when at that rate it is obdurate ; reminding him, in the meantime, that when he has done so, he will have proved that when it is less than seven per cent., it will “*flow*” away again by the same channel. Sir, the whole secret of the matter is, that money will not travel about in search of investment for all or any of the ordinary transactions of life ; it is loaned or invested in the vicinity where it is owned, even though at a less rate than could be obtained abroad. Capitalists are timid and careful ; as their money is their god, they wish the evidences

of it near at hand for their daily worship. In order to make it productive, it must and will be loaned or invested, and they will always loan it at the legal rate, unless permitted to take more by the absence of penal restraints upon usury ; or if they believe they can realize a great profit, they perhaps invest it in business ; but this benefits the community by putting the money *directly* in circulation the same as if it were loaned. (Here Mr. Young interrupted Mr. Dickinson, and said Holland had purchased our five per cent. stocks.) Mr. Dickinson continued, I know that, sir, full well, but government stocks are one thing, and individual credit is another. I also know that even Holland has lately refused to purchase stocks recently created at six per cent.

But it is said men will not borrow money when they do not want it ; that debtors will in all cases protect themselves from extortion ; that they will accurately ascertain whether they can pay the required interest, and will be governed in their conduct accordingly. He must be a stranger indeed to the human heart, who can assert such doctrines for this object.

“ Man never is, but always *to be* blest.”

It is the prevailing error of his nature to believe that “ the deficiencies of to-day will be supplied by the abundance of to-morrow ; ” that the good fortune of the future will indemnify him against the improvidence of the past and present. In this spirit Esau sold his birthright for a mess of pottage, and afterward found no space for repentance, though he sought it carefully with tears. In this spirit Antonio affixed his seal to the fatal bond, and bartered his heart's blood at the “ *market price*.” In this spirit will the humble debtor, goaded by the fangs of the merciless creditor, stipulate away his little all, under the specious guise of “ *market value*,” in the hope that a brighter sun will shine upon his future destiny. The rewards of industry and virtue, and the punishments of fraud and vice, are by no means direct or immediate. Vice rears her gilded palace, while virtue lies a “ beggar at her gate ; ” vice is “ clothed in purple and fine linen, and fares sumptuously every day,” while virtue

“—pines in want and dungeon’s gloom,
Shut from the common air and common use
Of her own limbs.”

And while man cannot *avert*, he can ameliorate the condition of his fellows by originating laws which shall operate as a protection to the virtuous, and be a terror to evil-doers.

It is said by the Senator from the Fourth, that a repeal of the usury laws is required by the people. And here again I come boldly to the issue. I proclaim from my place, that if the people of this great State were marched through this hall in one grand array, and should speak out their sentiments upon this important question, ninety-nine in every hundred would condemn a repeal. Where are the petitions upon your tables; where the doings of the people in their primary assemblies, to call for or justify this change,—have the “wise and the foolish all slumbered and slept together?” If there has a voice gone forth, it is the voice of the usurer “with lean and hungry look,” praying at his golden altar for a repeal. And if there is one now within the hearing of my voice, he is this moment clinging to his purse string, and praying in his heart that the laws may be repealed; for although now he may cheat the law of its provisions, and by its violation wring the hard earnings of the laborer from him, yet there is a tribunal which brings him to judgment—it is public opinion. He cannot free himself from the moral taint; the enormity of his offence clings to him like the poisoned shirt; and although he is not denied the rites of sepulture, the notorious and extortionate usurer is shunned and pointed at as a headsman, a moral felon, and this is one reason why he wishes the laws repealed. The Senator from the Fourth has informed us that one house in New York has paid usury enough to purchase a farm upon the fertile and almost classic plains of Saratoga; that another has paid sixty thousand dollars of usury within the last year; and that six or eight millions of dollars of usury have been paid within the year, in the city of New York alone. I am much obliged for the information; this explains all,—it is a sufficient sum to induce the moneyed sharks to pursue the ship of state for a long time to come. If they have succeeded in obtaining this enormous amount while the laws are in force, what, I ask, will they do when they are repealed? But it is said they are virtually

repealed in that city now ; 48 per cent. per annum there, is the practical and benevolent effect of this new method of letting matters "regulate themselves."

The Senator from the Fourth seems to suppose, because a few of the speculating philosophers of Europe have written against the usury laws, and because a few retired capitalists, called "The Chamber of Commerce," in our cities, have spoken in favor of a repeal, that the matter is taken by default ; because no one has come to their defence. Sir, it will be in time to do this when they are assailed with sufficient force to put them in danger ; and then, and not till then, will you find them defended by the bone and muscle of the land ; by the press from Maine to Alabama, and by the practical statesman and philosopher. He would combat phantoms indeed, who should enter the lists against a mere theory, upon which public opinion has set the seal of reprobation in advance. Should the people move in this matter, I shall be happy to obey their directions ; but it must come from the field of the farmer, from the work-shop of the mechanic. I must hear the united voice of the people in their primary assemblies, and not the croakings of usurers and speculators. It must be so strong and unequivocal that it will shake this hall, before I will lend my support to a measure which I so confidently believe is big with ruin,—that when I see its blighting, withering influence, upon a people once prosperous and happy, their institutions trodden down, and anarchy and confusion stalking abroad, I may cry out with Cæsar at the battle of Pharsalia, when he saw the field and camp strewn with his fallen countrymen, "*They would have it so.*"

It is confidently prophesied by the Senator from the Fourth, that repeal will be loudly called for hereafter—this may be so, but God forbid that it should be soon. I have not been admitted into the cabinet of futurity ; I cannot say that

"The sunset of life gives *me* mystical lore,
And coming events cast their shadows before."

I am no officer in advance of the troops. It is my highest ambition to be found at my post in the ranks, to advance with the people, to wheel when they wheel, and when they retreat to retreat with them. In the language of the Senator from the

Fourth, I believe the people know what they want in this matter as well as their legislators and will call for a repeal when they desire it.

But as a kind of Aaron's rod, which is to swallow up every other principle, the learned Senator points to Jeremy Bentham, upon whom he claims no man can look and not believe. He has also cited Malthus and Ricardo, Say and McCulloch, Abbe Raynal and Montesquieu, and others, as authority upon this subject; though he admits that the conclusion of the whole matter is all summed up in Jeremy Bentham. Sir, I have read most of these authors, and especially Jeremy Bentham with much attention; and I have so far been unable to discover wherein "his great strength lieth." His effusions have been little heeded in his own country, and for one I desire to be most distinctly understood as scouting the idea of taking for our guide the moon-struck theories of the political economists of Europe, who have gained little respect for their wild and visionary schemes, even at home, and who know as little of our institutions as of Symzonia. This same Jeremy Bentham is the man who, in 1808, had the impudence to propose to Mr. Madison to give us a code of laws; a political nun, whose monkish seclusion from the world made him as unfit to speak of our institutions as an inhabitant of the moon. In the discussion of the question of usury laws, like a country clergyman who has some favorite dogma to inculcate, he raises *imaginary* objections that he may surmount them in triumph. But the objections which he has raised to show his skill in answering, are not the true reasons which exist. I will, however, after having been so triumphantly challenged, attempt an answer to some few of his most formidable objections against the propriety of usury laws. He says:—

"My neighbors, being at liberty, have happened to concur among themselves in dealing at a certain rate of interest. I, who have money to lend, and Titius, who wants to borrow it of me, would be glad, the one of us to accept, and the other to give, an interest somewhat higher than theirs. Why is the liberty they exercise to be made a pretence for depriving me and Titius of ours?"

If the "*neighbors*," by conventional compact, represent the whole, and fix the rate of interest for the purpose of protect-

ing the rights of individuals, or of advancing the cause of morality, by preventing extortion, Titius and Jeremy Bentham, as good citizens, should be willing to yield a portion of their "natural rights" for the general good, in this, as in various other cases required by the rules which govern society. But again he says:

"Another thing I would also wish to learn is, why the legislator should be more anxious to limit the rate of interest one way than the other? Why he should set his face against the owners of that species of property more than of any other? Why he should make it his business to prevent their getting *more* than a certain price for the use of it, rather than to prevent their getting *less*? Why, in short, he should not take means for making it penal for offering less, for example, than five per cent. as well as to accept more? Let any one that can, find an answer to these questions; it is more than I can do."

Learned Theban! Let us see if an answer can be found to the problem which this great high priest of political economy has been unable to solve, and parades so triumphantly. The *Lex scripta*, or written laws of a country, are induced by necessity, real or imaginary. The laws to prevent kidnapping were found to extend only to the protection of blacks, and were extended to the protection of whites when the necessity was suggested by the kidnapping of a white person. The laws against disinterring the dead were doubtless suggested by the fact that graves were plundered by the living, and when under the new order of nature, which we are forewarned is soon to commence, the dead shall "burst their cerements" and drag the living down to their dark abodes, the argus eyes of legislation will probably interpose its protection. The laws prohibiting an exorbitant interest were induced by the fact that money lenders had in all ages, like the Promethean vulture, perpetually gnawed the vitals of their debtors; and when a corresponding oppression shall be found to reach the lender at the will of the borrower, it will be high time to protect him. Again he says:

"In the next place, no man, in such a country as Great Britain at least, has occasion, nor is at all likely to take up money at an extraordinary rate of interest, who has security to give, equal to that upon which money is commonly to be had at the highest ordinary rate.

While so many advertise, as are to be seen every day advertising, money to be lent at five per cent., what should possess a man, who has anything to offer that can be called a security, to give, for example, six per cent., is more than I can conceive."

It is sufficient to say, that however applicable this may have been to his own country, it will hardly be regarded as authority here until money is "advertised" to be lent at "five per cent.;" there, there were more lenders than borrowers, which produced "competition;" here are more borrowers than lenders, which produces "combination." But Mr. Bentham continues:

"Buying goods with money, or upon credit, is the business of every day; borrowing money is the business, only, of some particular exigency, which, in comparison, can occur but seldom. Regulating the prices of goods in general would be an endless task, and no legislator has ever been weak enough to think of attempting it."

This is the reason why they are not alike; he furnishes a refutation to his own argument; the one being the *every-day* business of life, which everybody can readily understand from the actual competition which exists; the other but the matter of "some particular exigency," when the only "*competition*" is *combination*. As to fixing the *price* of property, Mr. B. is probably right, but the legislature of Connecticut in the early history of that colony passed a law, declaring that all mutton which weighed less than "*eight pounds the quarter should be lamb*;" finding, however, that a patriarch of the flock occasionally fell within its provisions, the law was repealed. But he further says:

"But while, out of loving kindness, or whatsoever other motive, the law precludes a man from *borrowing* upon terms which it deems too disadvantageous, it does not preclude him from *selling* upon any terms, however disadvantageous. Everybody knows that forced sales are attended with loss; and to this loss, what would be deemed a most extravagant interest bears in general no proportion. When a man's movables are taken in execution, they are, I believe, pretty well sold, if, after all expenses paid, the produce amounts to two-thirds of what it would cost to replace them. In this way the providence and loving kindness of the law cost him thirty-three per cent."

The sale of goods upon execution occurs but seldom, compared with the ordinary transactions of life. If a man must die, the *sword* is preferable to *famine*—the prompt loss of thirty-three per cent. at once, is far better than the slow consuming process of four per cent. a month. But it is well to trace the misfortunes of the individual to their proper source. If you do so, you will doubtless find that usury, that "*worm that never dies*," has eaten out his substance; that he has nothing further worth pursuit, and that it is the usurer himself who has brought his goods to the hammer; whose name heads the execution; and if he was permitted to loan him again at such "market price" as his conscience would permit, "the last state of that man would be worse than the first."

(Mr. Dickinson continued to read copious extracts from Mr. Bentham, upon which he commented at length.) Sir, continued Mr. Dickinson, we cannot set too high an estimate upon science; but I have no more respect than I should have for that metaphysical subtlety which separates itself from all practical demonstration, and assumes to arrive at conclusions upon theories alone. Too much light obscures and weakens the natural vision; too much learning, unmixed with practical knowledge and common sense, dims the mental eye, or in other words makes men mad. Jeremy Bentham was one of those who are

———"Thus, by the glare of *false* science betrayed,
That leads to bewilder, and dazzles to blind."

It was said by an ancient writer, that "*It is the business of all legitimate philosophy to account for facts; and general reasonings, though apparently demonstrative at every step, must necessarily involve a fallacy when their conclusions do not square and tally with experience.*" The practical knowledge of one man is worth infinitely more than all the theories of the old world and new. Who can read this extract from a pamphlet which has been laid upon my table, without bearing testimony to its practical truth:

"If we open our eyes we cannot avoid seeing the narrow quarters into which the borrower of money is driven, and the freedom with which the purchaser of every other article exercises his judgment. Go into any of our crowded cities, and we see granaries, store-houses,

shops, and other spacious buildings, crowded with merchandise and goods of every possible variety. In every street, lane, or alley, for miles in extent, one uniform abundance is presented to our view. This is *always* the case. But the money of the city is confined to a single street or a narrow alley. All other articles are abundant, and in the hands of the many. Money is frequently scarce, and in the hands of the few. In all the trading streets, we see the seller bowing to the buyer and courting his custom by the most enticing manners. In the money alleys, we see the borrower bowing to the lender with the servility of a French dancing-master. The purchaser enters a store with the air of a free and independent man. The borrower enters a bank with the subdued and sorrow-stricken countenance of a beggar."

If further evidence were wanting to place this question beyond a doubt, I could summon to my aid the opinion of our highest judicial tribunals—the present Chancellor of this State, with various other eminent men who have placed on record their approval of the usury laws; but as time will fail me, I will but cite the opinion of one who is intimately and proudly associated with our judicial history—one who is familiar with all our peculiarity as a people, whose name is already encircled with a halo of glory, and whose memory will be fondly cherished by every New Yorker, when the dreamy theorists of Europe and their deluded followers shall be overwhelmed and forgotten in the vortex of political revolutions. I allude to the opinion of Chancellor Kent in *Dunkam vs. Gould*, 16 Johnson, 376. Let every one who listens to its warnings ask himself, "*Is it I?*"

"It is an idle dream to suppose that we are wiser and better than the rest of mankind. Such doctrine may be taught by those who find it convenient to flatter popular prejudice; but the records of our courts are daily teaching us a lesson of more humility. And, I apprehend, it would be perilous in the extreme to throw aside all the existing checks upon usurious extortion, and abolish or traduce a law which is founded on the accumulated experience of every age. The statute of usury is constantly interposing its warning voice between the creditor and the debtor, even in their most secret and dangerous negotiations, and teaches a lesson of moderation to the one, and offers its protecting arm to the other. I am not willing to withdraw such a sentinel. I have been called to witness, in the course of my official life, too many victims to the weakness and to the inflamed passions of men. All sudden and extreme reforms are unwise. We ought not to stretch or to ampu-

tate, in order to make our institutions fit exactly to any theory. It is better to follow the course and order of Providence, and suffer our general system of laws, like our habits, to accommodate itself slowly to our necessities, and to vary only with the gradual and almost imperceptible progress of time and experience."

It may be well for those who are disposed to reject the admonitions of the practical statesman and jurist of their own country for the dreaming speculations and paper theories of the old world, to pause and look around them. By a careful observation, and consulting the pages of history, they will find that in all countries where there have been no usury laws, the "rates of usance" have been infinitely higher than where they have obtained. In Alabama the laws were repealed; the "market price" became 100 per cent.; a scene of ruin and distress ensued which caused their speedy reënactment with tenfold rigor. Look at Greece, which had no usury laws; and Rome, during the time her laws were not in force; interest was frequently from 50 to 60 per cent. Look now at the city of New York, where her "Isaacs of York" have "*virtually repealed*" the laws; interest is 48 per cent. per annum. It is so plain that he who runs may read. The only measure of interest, after the usury laws are repealed, will be the *necessity of the borrower*,—that, and that alone, will be the rule by which to fix the price, and woe be to him who shall be compelled to pay it. A few can at any moment make the rate whatever they please, by refusing to loan or invest until the price reaches the mark set by their craving and insatiable appetites. To talk of "*competition*" among misers and usurers, is to talk of glutting the grave with victims;—for the grave will have ceased to yawn for its prey, death will have sickened at his trade, and the daughter of the horse-leech will have ceased to cry "*give*," before the usurer will say, "it is enough." However high wrought or refined the sentiment of the schools, or however perfect the demonstration upon abstract principles, it will "bite like a serpent and sting like an adder."

When Rasselas, the prince of Abyssinia, meditated an escape from the happy valley, he invoked the aid of an artist who was desirous of improving upon the "barbarisms of the dark ages," or, in other words, he, like a modern philosopher, had thrown off the shackles of prejudice; he had "penetrated

the future," and learned that *mere* locomotion was beneath the dignity of man, that by making the proper exertion he could fly as well as walk, which he proceeded to prove to a demonstration. He discoursed with all the learning of Jeremy Bentham and his followers; he proved that water was a "denser and air a more subtile fluid;" that as men could swim in water by art, so they could fly in the air by proportioning their pinions to the resistance; in short, that swimming was flying in a denser, and flying was swimming in the more subtile fluid; and that the latter was as practicable as the former. His theory completed, he entered upon its practice. The funds were raised, one year was spent, and the wings were ready. Now came the time when he was to throw off the "shackles of education and prejudice." Unlike most reformers, he was willing his first *experiment* should be tried upon himself. He stood upon the margin of the lake, doubtless congratulating himself upon being the pioneer in the principles of "natural right;" he cast one lingering look upon the planet which gave him birth; bade farewell to sublunary things; spread his glad pinions which were to waft him to heaven, and the next moment found himself *horse-pounded* in the lake. "O, what a fall was there, my countrymen!" A profitable and salutary lesson to those who are inclined to exchange the practical realities of life for the hare-brained speculations of ancient or modern theorists.

And now, sir, I have almost done. I have given but a few of the reasons which occur to me why the usury laws should not be repealed. I am aware I have spoken freely; it is a subject of deep interest to the country. I have arraigned the motives of no one; I have dealt with the subject alone. If I am to be followed by the Senator from the Fourth, I invite him to disprove the practical results which I have shown will inevitably follow a repeal. I invite him to lay aside his theories, and descend to practice; and while I invite no criticism upon my language, being "a plain, blunt man, who only speak right on," I desire him to put my arguments into his crucible, and heat up the fire of his eloquence and imagination "seven times hotter than it is wont to be heated." If they will not stand the "inquisition of the forge," I shall be glad to see them consumed; for while I have spoken freely, I have not done so in-

vidiously. I have dealt with theories, whether of Jeremy Bentham or of others, without reserve. I have endeavored to "hang out my banner on the outer wall," and at the same time to do so in a just and proper spirit.

While the Senator from the Fourth is sheltered behind Jeremy Bentham, he will doubtless think my attempt to assail his impregnable citadel like storming Gibraltar with a pocket pistol; but I have done so upon his invitation, and claim to have both my motives and courage appreciated for even attempting it. If I am annihilated in the struggle, I can say with Hannah More, in her sacred drama :

" 'Twill sweeten death
To know I had the honor to contend
With the dread son of Anak."

But if it should be my fortune, in my humble effort, to contribute in the remotest degree to save the most abject of the human race from the rapacity of the usurer, I shall be grateful and happy. As legislators we have a capacity for good or evil; we stand upon a narrow isthmus, between a pacific and tranquil sea on the one hand and a boisterous and shoreless ocean on the other. We may permit our ship of state to glide smoothly on in the one, or be sent adrift upon the turbulent billows of the other. We hold in our hands the destinies of millions,—“their life, their death, their bane and antidote are both before us.” We may do much to ameliorate their condition, but more to entail upon them misery, woe, and degradation. In the elegant and beautiful language of the Senator from the Fourth, upon a previous occasion :—

“ We occupy but a point of space upon the surface of the broad and ceaseless current of time,—generation follows generation, as wave succeeds wave upon the ocean. But although the life of man is so utterly insignificant in point of duration; although his moral and physical powers bear the strong impress of imbecility; although he is not gifted with the capacity of strewing flowers in the paths of his successors, or of ameliorating for them the inevitable ills of life, yet with all this brevity and feebleness and incapacity, he *may sow the seeds of lasting bitterness, and leave behind him the canker of dissolution.*”

SPEECH

UPON THE GOVERNOR'S MESSAGE.

DELIVERED IN THE SENATE OF NEW YORK, January 11th, 1840.

[This speech was made upon resolutions to refer to the proper Committees the various subjects presented for consideration by the second annual Message of Governor Seward. The occasion of reference is usually improved to settle political scores between the opposition and the administration, at least as far as relates to subjects called up by the message to be referred, and the speech before us is one following in that line of precedents; but it will be seen that it followed upon ample invitation or provocation on the part of the Governor. It should however be noted perhaps, that the change of tone commented on, between the first and second messages, might have been fairly attributable to the pecuniary revulsion which took place intermediate the two, if Governor Seward had chosen to present that natural solution, instead of striving out of the circumstances of the times to make a point against his political opponents.]

I am not prepared, Mr. President, to enter into a full discussion of the merits and demerits of the message; nor do I propose to do so. Its extreme length would preclude such an examination as it deserves, within a reasonable time. His Excellency has informed us that the value of *fame* is to be estimated by the length of time through which it endures and the space it occupies; and he seems to suppose that the value of an executive message should be estimated upon the same principle—its length.

I shall not now ask the indulgence of the Senate until I can separate the few grains of wheat it contains from the mountain of chaff, but will, for the present, content myself with calling the attention of the Senate and the people to a few of its gross inconsistencies of position, and palpable misstatements

of facts. I regret that I feel bound to do so, lest my remarks may be deemed personally disrespectful or unkind to the Executive, which I will disavow in advance, and add, that the intercourse between the Governor and myself has been characterized on the part of his Excellency by fair and gentlemanly demeanor. It is officially, and not personally, that I desire to speak. I would moreover say that I do not hold it fair to criticise illiberally the acts of a high public functionary, while acting in the discharge of the duty imposed on him by the constitution and laws, so long as he contents himself with the discharge of his duties. He is the officer of the whole people, and in executing the duties of his office his acts are entitled to the most charitable and liberal construction. But when he descends from his high position to play the political partisan; becomes the assailant of his opponents, and under the imposing sanction of his official name, seeks to inculcate his favorite dogmas, he is so far the legitimate subject of criticism, and has no right to protect himself under the folds of his official mantle: he is then shorn of his strength, and is weak like other men.

The Constitution of this State declares that the Governor "shall communicate by message to the Legislature at every session, the condition of the State, and recommend such matters as he shall deem expedient." Under this clause of the Constitution, that distinguished dignitary has communicated by message to the Legislature at this session, not only the condition of the State, but he pretends to give the positions of political parties, and the position of the Senate and Assembly of 1838 upon engrossed bills. He has turned legislative historian—has entered the legislative burial-field and attempted to disinter the ashes of mouldering records, and incorporate their history in his message, not for the purpose of showing the condition of the State or recommending legislative action, but for no higher or worthier motive (for it could have no other) than showing which political party had amended a bill in a particular manner, and which had not; a matter clearly so irrelevant and impertinent that if a lawyer had, with no better excuse, inserted it in a pleading, it would have been stricken out on motion. In his message now under consideration, his Excellency says:

"In 1838, the late Executive recommended a more speedy enlargement of the Erie Canal. It was obvious from the condition of the finances of the State at that time, that this could not be effected without contracting a debt. The Assembly responded to this recommendation by passing a bill directing the Commissioners of the Canal Fund to borrow, on the credit of the State, one million of dollars for that object. The Senate amended the bill so as to authorize the borrowing of four millions of dollars instead of one million. In this shape the bill became a law. This law required the Commissioners to put under contract, with as little delay as possible, such portions of the work as were mentioned in their report of that year, and such other portions as, in the opinion of the Canal Board, would best secure the completion of the entire enlargement with double locks on the whole line."

The individual who undertakes the important task of historian, should possess not only fidelity, but information. And whoever seeks to give his fellow men a place upon the historic page, and above all in an executive message, is guilty of a high moral wrong if he does them injustice. Ignorance of facts officially obtruded, is as inexcusable as design, and he who invokes legislative history against his political opponents, is as much bound to learn the truth as he is to speak it after he has learned it. If it was material for the Executive to trace the history of the bill of 1838 for the more speedy enlargement of the Erie Canal, from Assembly to Senate—from Senate again to Assembly, to note where it was amended, and by which body; it was at least equally material that such relation should be true. Sir, the people at large have no interest in knowing from the Governor, in which branch a particular bill was amended. If that office is to be performed, it should be left to retailers in party politics. The allusion to the subject by his Excellency was extremely gratuitous under any circumstances, and what is much worse, his statement is incorrect. I aver that the bill in question passed in the Assembly, and came from the Assembly to the Senate, providing for the borrowing of four millions of dollars instead of one, as stated by his Excellency; that the bill as it passed the Assembly, the documents on file and the reports of the proceedings, will bear me out in the statement, and show him to be mistaken, and I challenge contradiction.

Since his Excellency has called the attention of the Legislature and of the People to the session of 1838, and has attempted to run what I deem an invidious parallel between a federal Assembly and a democratic Senate, for the purpose of showing the extreme prudence and economy of the former, and the soundness of their views, it might not be amiss to mention another matter which has intimate connection with the passage of the bill in question, which had birth at about the same time, and of which a distinguished individual, now bearing the highest honor of the Empire State, was the *reputed*, and as report said, the *acknowledged* father.

It will be recollected, that in April of the session of 1838, the memorable bank suspension was drawing to a close; and that the banks were required to resume specie payments within a few days thereafter, or forfeit their charters. The banks had indicated their ability and readiness to resume, but a certain institution in a neighboring State of which the Governor and his political friends had probably heard, had interposed its authority, and ordained that the banks should not resume; or that, if they did resume, they should again suspend. It was known to have the disposition, and believed to have the power, to prevent a successful resumption. The sound business men of the State, and particularly of the city of New York, justly regarding an irredeemable currency as the greatest possible commercial evil, applied to the then executive, Governor Marcy, to interpose the aid of the State in behalf of the institutions which were willing to return to a performance of their obligations, and repudiate the suspension policy. The relief suggested by the most eminent financiers of the State, was the loaning of State stocks, which had been and were to be created for the purposes of public improvements, in case it should become necessary, to the banks. Governor Marcy, in view of the extraordinary crisis, and to avert an impending and dreadful calamity, recommended that the State should "stand forth in its strength, and by use of its credit and the sanction of its name, shield its institutions and its citizens from harm." In these views a majority of the Senate concurred. But how was it with the whig Assembly, whose acts even of omission are thought worthy of a place in the executive message? Sir, they passed a bill authorizing a virtual continuance of the suspen-

sion, by permitting the banks to issue *post notes*. So tenacious were they of this policy, that they even refused to recede from it upon a committee of conference. A policy which is now viewed with universal execration and scorn; a policy which has brought the great federal regulator to her beam's end, and exposed in letters of living light her sorceries and corruptions; a policy evidently dictated by the bank itself, and attempted to be carried out by its supporter and apologists here; a policy more profligate, more deceptive, and less justifiable, than any other which could be devised, which no one dare now vindicate, and which the Governor himself pronounces a fraud upon the community.

But I have already assumed that his excellency Governor Seward was at that time an advocate of the post-note policy, and as I have permitted the late Executive to be heard in his own language upon the subject of this crisis, I ought, perhaps, in justice, to extend the same liberality to the present one, and to that end, I cite the report of a select committee of the Assembly of 1838, upon governor Marcy's special message, which was understood to have been from the pen of his excellency Governor Seward, and was introduced by a distinguished member of the whig Assembly, denominated at the time, by high authority, a *veteran legislator*." After enumerating some of the advantages which had already resulted from whig legislation, the report proceeds:

"It appeared also to the Assembly, as a proper and necessary measure of State legislation, in aid of the banks, in the contemplated resumption, that *they should have power to issue post notes*. The manifest advantages of this power are these:

1st. It will enable the banks to *issue notes payable at a distant day*, and bearing interest, to those persons who are satisfied with their solvency, and desire such notes as a temporary investment, and thereby, with the consent of the creditors, and for a proper equivalent, to postpone a part of their demands until a more favorable season. 2d. It will enable the banks to purchase on credit, specie and convertible paper and public stocks, in many instances more desirable than specie itself."

Such, sir, were the positions respectively of the Senate and the Assembly of 1838, and such, it may be added, of the respective distinguished individuals—the late and the present executives.

The mistaken assertion of his Excellency, that the bill for the more speedy enlargement went from the Assembly to the Senate with an appropriation of only one million of dollars, was, doubtless, intended to arrogate to the party now in power, unusual prudence and economy in public expenditures. Why did not his Excellency, if he knew the facts, and found it necessary to make it a subject of executive notice, frankly say that all parties at that time, at least, acquiesced in the enlargement, regarding it as the policy of the State, and believing if it must be done, that economy would be consulted by an early completion—Mr. Ruggles in his report having estimated that six and a half millions of dollars of interest alone would be saved by a more speedy enlargement than was contemplated;—that the bill appropriating four million of dollars, and pledging the faith of the State to furnish funds sufficient to complete the enlargement within five years, passed the Assembly, where his political friends numbered one hundred, with but three dissenting voices, and those of the minority;—that it was amended in the Senate so as to leave the time of its completion a matter of discretion with the proper officers, which, together with an amendment varying the manner of issuing the stock, was all the material amendment it received; and that it passed the Senate with nearly the same unanimity as it did the Assembly, every whig member voting for it? It may readily be seen what party claimed the honor of the measure at the time, by turning to the files of what the friends of his Excellency are bound to regard as high evidence. The *Albany Evening Journal*—a paper supposed to speak the views of his Excellency—or his Excellency supposed to speak the views of that—conducted by an individual so worthy of reward for party purposes, that shortly, and perhaps before we leave this chamber, he is to be recognized by law, and to receive the richest prize in the gift of the spoils-hating patriots of the majority in this State, on the adjournment of the legislature of 1838 discoursed as follows:

“A new impulse has been given to the cause of internal improvements—an impulse quickened and invigorated by THE TRIUMPHANT REPORT OF MR. RUGGLES. The speedy enlargement of the Erie Canal is authorized, for which four millions of dollars is appropriated,” &c. I exculpate his Excellency

from any intentional misstatement of facts. He fell into the error, doubtless, by an overweening desire to make out a case favorable to himself and political friends, which they very much needed, and in his eagerness to do so, has fared as those usually do, who go out of their way to meddle with that which, in homely, but significant parlance, is none of their business—committed an egregious error.

But his Excellency has entered at great length into the reasons which have caused him, upon the subject of internal improvements, to progress, somewhat like the shadow upon the dial of the king of Judah—ten degrees backward. In his annual message communicated to the Legislature last year, when the late administration gave place to the present one, his Excellency described the condition of the State, as it came to his hands, as follows :

“ History furnishes no parallel to the financial achievements of this State. It surrendered its share in the national domain, and relinquished for the general welfare all the resources of foreign commerce, equal generally to two thirds of the entire expenditures of the general Government. It has nevertheless sustained the expenses of its own administration, founded and endowed a broad system of education, charitable institutions for every class of the unfortunate, and a penitentiary establishment which is adopted as a model by civilized nations. It has increased four fold the wealth of its citizens, and relieved them from direct taxation ; and, in addition to all this, has carried forward a stupendous enterprise of improvement ; all the while diminishing its debt, magnifying its credit, and augmenting its resources.”

This is Governor Seward's own language. Is it true or false—correct or mistaken ? Did he know at the time of what he was speaking, or was he ignorant of his subject, and speaking by guess ? It should be left to the Governor and his friends to determine.

The Governor also in his last year's message, instead of mousing among the Legislative documents for the purpose of showing that the late State Administration had either recommended, passed or even amended bills for the purposes or internal improvement, declared that the enlarged and comprehensive views of the founder of that system had, since his day, been resisted by an antagonist policy, and that the

"several enterprises since undertaken, had been hard-won triumphs over the prevalent convictions of the legislature." That his views should be more fully understood in the detail, his Excellency referred us to the celebrated report of Mr. Ruggles, in the following unequivocal strain :

"I respectfully refer you to a report of a committee of the last House of Assembly, in which this subject is discussed with eminent ability, and which results in shewing that the canals are a property substantially unencumbered ; that their productiveness would warrant the State in expending in internal improvements, \$4,000,000 ANNUALLY DURING A PERIOD OF TEN YEARS; and that the revenues of the canals would reimburse this expenditure previous to the year 1865. This sum far exceeds any estimate of the expense required to complete the entire system, while it is not to be doubted that the parts yet to be constructed will eventually be productive of revenue. *The conclusions of this report, although of vast interest to the State, and, I trust, decisive of its policy, have not been questioned.*"

If, then, the condition of the State was one year since as represented by his Excellency, and the report of Mr. Ruggles unquestionable, and decisive of the then policy of the State, whence this change—this retrograde—this sudden spiking of the artillery ?

His Excellency informs us in his message, that he last year recommended the New York and Erie Railroad, the Ogdensburgh and Champlain Railroad, and the speedy enlargement of the Erie Canal. Sir, he did more ; the half is not told us. He recommended, if recommend it was, "three great lines of communication by railroad between the Hudson River and the borders of the State," one of which was to "keep the vicinity of the Erie Canal, and unite Albany with Buffalo." Besides his Excellency recommended "other projects both of railroads and canals," without designating where, which, or how many. Anywhere, and everywhere — any number and every number. But the apology for this sudden change in the tone of his Excellency is, the discovery of the errors of his predecessors—that his former recommendations proceeded upon the assumption of the correctness of the various estimates of the Canal Commissioners, which are discovered, as he says, to have been so very erroneous, and which valuable discovery, his Excellency informs us, was reserved for the Assembly of 1839.

This form of excuse is no new-fangled theory. His Excellency has a better precedent for this than for most of his positions. Our common father was beguiled into his lamentable error by a woman, and our Governor, though uniting the patriotism of a Tompkins with the wisdom of a Clinton, has been beguiled and led astray by the Canal Commissioners! All the high-sounding assertions of the last year's message—the triumphant report of Mr. Ruggles—the patriotic maledictions of the embryo State printer that the State was governed by mere politicians, and upon the subject of internal improvements “remained in her shell losing rank and caste”—the report of the Whig Assembly of 1838, that New York had done nothing—comparatively nothing, upon the subject of internal improvement—that she had been supine and indifferent to her own interests, and had been reposing in a long, deep and destructive slumber; all are given to the winds, and we are now told that the late Administration had been extravagant in expenditures for improvements; had already done too much, and committed the State to the extent of its capacity, before it came under the judicious influences of Whig management and Whig control.

His Excellency dates his conversion from the workings of the Assembly of 1839. From his own relation it would almost seem, that upon this subject he was born blind, and was restored to sight by the application of *Clay* to his vision, performed by that enlightened and more enlightening body. He now attempts to raise a smoke about the Canal Commissioners, under which he doubtless expects to escape from his position. They are to be the scapegoats to bear off all the sins of the Whig Administration of omission or commission—past, present, and future. His Excellency stood in imminent need of somebody upon whom he could charge all his inconsistencies in gross, which he could not otherwise dispose of, and for that purpose, it seemed, he selected the Canal Commissioners. I have somewhere read that when the children of men became so numerous that surnames were necessary, after every variety of name which could be devised was given out, still a large class remained unprovided for. This, at first, produced some embarrassment, but was finally obviated by calling them all Smith. It seemed his Excellency had proceeded by a similar

method. He has set down a portion of his erroneous positions to his predecessor; a portion to the President; a portion to the Senate, and a portion to the dissemination of pernicious principles generally; but there was a large balance yet left against his Excellency, and this he has charged to the Canal Commissioners.

But I will endeavor to strip him of this poor excuse, far-fetched and empty as I regard it. In his message of 1838, his Excellency said that the productiveness of the canals would warrant the State in expending in internal improvements four millions of dollars annually, during a period of ten years; and that the revenues of the canals alone would reimburse this expenditure previous to the year 1865. This conclusion of his Excellency is not based upon the estimates of the Canal Commissioners, but upon the "triumphant" report of Mr. Ruggles. Then, four millions for ten years—forty millions in the whole—could safely be expended, and the interest be paid and the principal reimbursed previous to 1865. Now, without taking into account the increased tolls, his Excellency informs us that a debt of only about \$10,000,000 can be upheld—but a little more than one-fourth of the amount which he last year assured us could be sustained from the same income. But let us see what the pretended erroneous estimates of the Canal Commissioners as to the outlay, have to do with the amount of debt which the State is capable of sustaining from its income. The amount of debt which the State can sustain must depend upon its income. The estimated cost of a work, however erroneous, does not diminish the income of the State, although it may add to its obligations; and if a debt of forty millions could have been sustained last year, it can be sustained this, if the income is not less, although the estimates upon public works may have been ever so erroneous. The assertion in the last year's message, which his Excellency is so ambitious to transfer to other shoulders, was not how much were the liabilities of the State, but how much debt it could sustain; and since there has been already an increase of canal tolls, and his Excellency expresses the opinion that the increase will continue, he would have escaped from his position with more propriety through some other avenue.

His Excellency has deemed it necessary to advise the Peo-

ple, that only one act appropriating the public moneys for internal improvement was passed at the session of 1839, and that for only \$75,000. As if to say: "You see, good People, how very prudently and economically affairs have been conducted since you have had a Whig Governor." In speaking of the session of 1838, his Excellency has been very careful to speak of the separate action of each body upon a single bill, but evidently intended to take credit to his administration for the prudent legislation of 1839, without regard to the branch of the Legislature which produced it. A witness is bound not only to tell the truth, but the whole truth, and he who withholds a material part is as guilty as he who wantonly fabricates. If it was material for the People to know the action of the separate branches of the Legislature of 1838, it was equally so in 1839; and yet his Excellency has, in writing the history of the last session, omitted some matters which might be of service to the public. His Excellency has well said, that but one internal improvement act passed at the session of 1839; and that appropriating only \$75,000; but if there was any merit in this economy, why did he not also say that the Whig Assembly of that year passed in addition, the following bills, which were lost in the Senate;—bills contemplating an immediate outlay of the amounts specified, and eventually a very large amount.

Bills which passed the Assembly at the session of 1839, and were lost in the Senate:

	APPROPRIATIONS.			
Erie Canal Enlargement	-	-	-	\$1,250,000
New York and Erie Railroad	-	-	-	1,000,000
Ogdensburgh and Champlain Railroad			-	800,000 loan
Auburn and Rochester	-	-	-	400,000 "
New York and Harlem	-	-	-	200,000 "
New York and Albany	-	-	-	500,000 "
Long Island	-	-	-	200,000 "
Troy and Schenectady	-	-	-	250,000 "
Attica and Buffalo	-	-	-	200,000 "
Hudson and Berkshire	-	-	-	140,000 "
Saratoga and Washington	-	-	-	200,000 "

The *whole truth* upon that subject would then have been told, and the respective branches placed fairly before their

constituents for approval or condemnation. By reference to the organ of the State Administration, at the close of the last session in May, it will be seen who then took the credit of passing only one internal improvement bill. That paper declared that the great cause of internal improvement stood still, and that a recusant Senate, obedient to the *Argus*, which croaked incessantly about a forty million debt, strangled every improvement bill which had passed the Assembly, and that if the Empire State was disposed to go back into its shell, it must attach itself to the Van Buren car, &c.

His Excellency especially assigns as a reason why he does not recommend the great southern railroad, even as favorably as he did last year, the erroneous estimates of the Canal Commissioners.

But let it be remembered that the pretended marvellous discovery of previous errors was made by the Assembly of 1839, about the first of April last. This was not far from the time when the Secretary of State, by the direction of his Excellency, informed the public through the columns of the *Argus*, that the Governor was at that time still in favor of his own message, particularly as it respected the enlargement of the Erie canal, and that whenever his opinion should be in the least changed the People should be officially advised of it. As this is the first official communication upon that subject from his Excellency, we have a right to infer that his change of views has been very recent. Let it be further remembered that most of the appropriations made by the Assembly were after they had obtained all their information about the cost of the canals—that after that period, the learned report of the Senator from the First,* upon the subject of improvements, was submitted to the Senate, which it was understood at the time was high authority with the Governor and the party now in power, and that the vociferations of the party organ after the adjournment, because a “recusant” Senate had defeated the internal improvement bills passed by the Assembly, showed that the discovery made by the Assembly of 1839 had very little influence with either the Governor or his friends in shaping their policy, but that this was to all intents and purposes

* MR. VERPLANCE.

an afterthought. There are other reasons which induced to this conclusion. As late as September last, after his Excellency had had abundant time to digest all the developments of the Whig Assembly of 1839, he addressed a letter to the citizens of the northern counties, assuring them that all the exertions which it was in his power to make should as theretofore be cheerfully contributed to the construction of the Ogdensburgh and Champlain Railroad, but no suggestion accompanied it that the developments made by the Assembly of 1839 had induced or rendered a change of policy necessary. Further, in July last, a convention of the southern counties upon the subject of their railroad was held at Ithaca, in which his Excellency, as usual, appeared by letter in favor of the work. In September thereafter, while travelling through the southern counties, in reply to a letter addressed to his Excellency upon the subject of the southern railroad, by William W. McKay, Ziba A. Leland, and others, his Excellency held the following language, which was well suited to that meridian :

"There can be no impropriety in my saying what has been doubtless well understood through the State, that the bill which was passed by the Assembly, providing for the construction of the New York and Erie railroad, had my decided approbation, and that I should have signed it with the greatest satisfaction had it passed the Senate, not only as a measure justly due to the People of the southern counties and wisely calculated to advance the prosperity of the State, but also as one which would honorably distinguish the period of my connection with the administration of public affairs. These views are confirmed by a more intimate acquaintance with the region more particularly interested in the improvement, and I am satisfied that the expense of the work has been greatly and unnecessarily exaggerated, while its usefulness has been but imperfectly conceived. Entertaining these opinions, I shall be at all times ready and willing to coöperate in the same manner, and yield, as I have heretofore done, my best exertions for the accomplishment of this great improvement."

Here again is no pretence that a change of policy had become necessary, although he had for six months the benefits of all the developments of the Assembly which he has now, and the pecuniary embarrassments which now affect the country were then plainly visible. Why, then, does not his Excellency say now upon the subject of the southern road at least what

he said then? Then he promised his best exertions in favor of the work; now his political friends cannot find enough upon the subject in this long and verbose message worth even referring to a committee.

It is a subject in which my constituents feel a deep interest. It has long been agitated, and is due to the question, to the People, and to the Governor, who by himself and friends has made so many professions upon the subject, to treat it with frankness and have it settled. The People have been told by Whig partisans and Whig presses that the ascendancy of the federalists in the State would insure its speedy completion as a State work; and they have now a right to ask for a redemption of the pledge. I do not believe the People of the southern tier, desirous as they are that the road should be constructed, would wish to have the State rush inconsiderately into debt. I know they would not. They are for a safe and cautious policy; but inasmuch as the credit of the State is already pledged to the company to the amount of three millions—a small portion of which only has been drawn, they believe that the policy of the State touching the improvement can as well be settled now as ever, by giving a different direction to the fund already provided, without increasing the liability of the State one dollar. It has been the football for demagogues long enough, and under the professions which have been voluntarily made in a certain quarter it is due to the People that the policy of the State administration should be made known fully and frankly. If the Governor is in favor of the State work project, let him say so; or if he is opposed to it, let him say that. He need not inform us that there is such a work, for we all know it; nor that the company are working wonders upon it, for we have been edified with that story on the sitting of the Legislature for the last four years. We know what the company have done, are doing, and have our opinion as to what they will hereafter do. But it has received no executive notice except such as is biographical, and conveyed in words which can be read either way. Its fate must depend on legislative volition, liberality and wisdom, unaided and undirected by him who has been cried up as its champion. Notwithstanding the special pleading of the Governor, and his half and half position, that enterprising People are as far from

market as before. Their majestic hills, pleasant valleys, and limpid streams remain the same, and they will not be veered about by every wind of doctrine put forth by the executive. Nor can his Excellency satisfy the people of the southern tier by high-sounding pretensions upon the subject of internal improvement generally, nor by protecting the lateral canals so valorously, with which no one, so far as I know, proposes to interfere. He has taken great care to promise, and they will take equal care that he performs.

I concur fully with the gentleman from the Seventh,* who has had charge of referring his Excellency's message, that there was no action recommended on the subject of railroads, which it was worth while to refer, but there was considerable said on the subject, and said too in such questionable shape, that I think it ought to have been referred as a curiosity if nothing more. I, at one time, had it not been discourteous to the majority, would have moved to refer it, but whether I should have moved to have it sent to the committee on literature, to have its meaning defined, or to the committee on claims—as it evidently asserted a claim to superior economy and prudence for the present administration, or to the committee on privileges and elections—it being evidently an electioneering document, I have not yet determined. I do not question the right of his Excellency to take his side of the subject, as his judgment dictates, but he has no right to both. Nor will the People of the southern counties accept from his Excellency as a fulfilment of his own promises the changes he has rung upon expressions of the Senator from the Fourth.† They will combat him through their representatives, and will regard executive interference, I have no doubt, as I regard it, a virtual infringement upon the constitutional liberty of debate, and neither dignified nor justifiable; which, if upheld against one, may be, by the same rule, against another. A great majority of my constituents differ with the extreme views of the Senator from the Fourth upon the subject of internal improvement, and their representatives, myself among the number, have been often called to enter the conflict against him. I am well known to entertain views opposite to those of the Senator from the Fourth

* MR. MAYNARD.

† MR. YOUNG.

upon this subject; I have had occasion to express them; I have done so fearlessly, and will do so again when the occasion presents; but I protest against the propriety of the Executive in reviewing the positions and carping upon the language of members of the Legislature spoken in the discharge of their duty, in an executive message. Much as the inhabitants of the southern counties and their representatives have differed from the Senator from the Fourth, they have found in him one merit, which in these times ought to be regarded above all price—he has been above hypocrisy and double dealing. He has chosen his position and maintained it; has been easily found, and has misled no one. He has not raised confidence to betray it, nor lavished professions at one time to be belied at another. He has been an open as well as a determined opponent, and has contented himself with being upon one side. He has not had one set of principles for one section, and another for another, nor has he left them in a shape to be construed agreeably to the sentiment in the meridian where they are promulgated, or as necessity may require. He has raised himself like a solitary rock above the ocean's storm, and "grand, gloomy and peculiar" has withstood alike the sunshine and the tempest, and now stands forth a memorable illustration of the truth that

"Pigmies are pigmies still, though perched on Alps,
And pyramids, are pyramids in *calca*."

ADDRESS

DELIVERED AT THE FAIR OF THE QUEENS COUNTY AGRICULTURAL SOCIETY, October 17, 1843.

THE earth was by Divine appointment to furnish man's subsistence. When, as sacred history informs us, the heavens and the earth were finished and all the host of them, and there was not a man to till the ground, man was created and placed in the garden; not to vegetate in passive luxuriance, like the herbs and plants which adorned his paradise, but to dress and to keep it: and though by reason of his defection he was driven from its enjoyments—his state of calm and happy innocence changed to one of solicitude, toil and endurance—the ground cursed for his sake with thorns also and thistles, and it was ordained that in the sweat of his face he should eat his bread—it is evident, that in the economy of his creation, as well as in the appointment of his lot after the fall, he was destined for active employment.

Practical agriculture is coeval with the history of man. One of the sons of our common progenitor was a tiller of the ground, another was a keeper of sheep. Noah and his descendants after the flood planted and cultivated vineyards, as well as reared cities and established kingdoms. Many of the laws of Moses have for their object the regulation of flocks and herds, and the cultivation and enjoyment of fields. The children of Israel, on coming to the possession of the fair land of Canaan, after wandering in the wilderness a period of forty years, addressed themselves to its cultivation. When the prophet Elijah passed by and cast his mantle upon Elisha, he found him ploughing in the field with twelve yoke of oxen before him, himself with the twelfth; and the servants and oxen of the affluent Idumean were engaged in the same pursuit when they fell a prey to the rapacity of the Sabeans. Many of the most interesting and poetic incidents of Scripture are touching

the harvesting and gleanings of fields, and other rural occupations, and its pages are replete with descriptions of the management of flocks and herds, sheep shearings, threshing floors and other employments of husbandry.

The ancient Egyptians tilled the ground with so much success, that they were enabled to withstand the consuming influences of a famine of seven years duration, and to supply their neighbors who were destitute and in want, with corn from the royal granaries. And although in their blind spirit of idolatrous devotion, they attributed the invention of an art so useful, to their god Osiris, they applied their energies to aid the profuse liberality of nature, or, as they believed, the munificence of their deity, and rendered the fertile banks of the Nile still more productive by irrigation, drains and embankments.

The aboriginal inhabitants of Greece were strangers to this primeval art, and subsisted upon the spontaneous productions of the earth, until they were led by the Egyptians, to whom they were indebted for the science which has rendered classic Greece immortal, to its successful cultivation. But they too, true to their idolatrous instincts, attributed the productions of the soil—the rewards of their own industry—to the kindly care and keeping of their tutelar goddess, Ceres. In the glowing and poetic age of Homer, Laertes laid aside the kingly robes of office for the peaceful pursuits of agriculture. Hesiod sung of the labors of the field; Xenophon and Aristotle and other Greek writers of eminence furnish numerous and interesting notices of rural affairs; and the Carthaginians, by agriculture, prepared Sicily to be the granary of Rome.

The ancient inhabitants of all-conquering Rome divided their time and energies between war and husbandry. Cincinnatus came from the plough to discharge the duties of the office of dictator, and sought the earliest opportunity consistent with his country's honor, to lay aside the power and dignity of station and return to the employment from whence he was called; and Regulus, a Roman senator, in a spirit worthy of imitation by modern legislators, sought retirement from the senate for a season, that he might preserve his little farm from dilapidation and ruin. Whether the hardy Roman pitched his tent or ploughed his field—whether he wielded the weapons of war, or the implements of husbandry—the sword or the

ploughshare—the spear or the pruning hook, his action was characterized by the same unyielding, irrepressible energy and vigor. The laudable pursuit of agriculture was not neglected by the patricians until the seductive influences of wealth introduced luxury and artificial manners with their corrupting consequences, and even then, many, cherishing the early virtues of their nation, continued to give the occupation their personal attention ;—while others, like political farmers of modern times, preferred to farm by proxy, and performed it by their slaves. The attachment of this people to the pursuits of agriculture may be found detailed in the writings of Pliny, Cato and Virgil, all of which abound with practical suggestions on the various duties of the husbandman. The ox was scarcely less esteemed by them than by the ancient Egyptians, by whom he was worshipped, and their books contain numerous suggestions for the breeding, breaking, feeding and working of this, their favorite animal. They drove their plough, a rude implement, scarcely an apology for the utensil of this day, with and without wheels, with and without colters, and with shares of various kinds ; and they tried, but with what success is uncertain, the experiment of reaping with machines. Hay-making was performed by them after the manner of the present day, and the practice of fallowing their land, and of weeding and watering their crops, was universal.

We have, then, the high authority of history, sacred and profane, for declaring that agriculture is a dignified and time-honored calling—ordained and favored of heaven, and sanctioned by experience ; and we are invited to its pursuit by the rewards of the past and the present, and the rich promises of the future. While the fierce spirit of war, with its embattled legions, has, in its proud triumphs, “ whelmed nations in blood, and wrapped cities in fire,” and filled the land with lamentation and mourning, it has not brought peace or happiness to a single hearth—dried the tears of the widows, or hushed the cries of the orphans it has made—bound up or soothed one crushed or broken spirit—nor heightened the joys of domestic or social life in a single bosom. But how many dark recesses of the earth has agriculture illumined with its blessings ! How many firesides has it lighted up with radiant gladness ! How many hearts has it made buoyant with domestic hope ! How often,

like the good Samaritan, has it alleviated want and misery, while the priest and Levite of power have passed by on the other side! How many family altars, and gathering places of affection, has it erected! How many desolate homes has it cheered by its consolations! How have its peaceful and gentle influences filled the land with plenteousness and riches, and made it vocal with praise and thanksgiving!

It has pleased the benevolent Author of our existence to set in boundless profusion before us the necessary elements for a high state of cultivation and enjoyment. Blessings cluster around us like fruits of the land of promise, and science unfolds her treasures and invites us to partake, literally without money and without price. The propensities of our nature, as well as the philosophy of our being, serve to remind us that man was formed for care and labor—for the acquisition and enjoyment of property—for society and government—to wrestle with the elements around him; and that, by an active exercise of his powers and faculties alone, can he answer the ends of his creation, or exhibit his exalted attributes. His daily wants, in all conditions of life, prompt him to exertion, and the spirit of acquisition so deeply implanted in the human breast, that “ruling passion,” so universally diffused through the whole family of man, is the parent of that laudable enterprise which has caused the wilderness to bud and blossom like the rose; planted domestic enjoyments in the lair of the beast of prey, and transformed the earth from an uncultivated wild into one vast store-house of subsistence and enjoyment. What can be more acceptable to the patriot or the philanthropist, than to behold the great mass of mankind raised above the degrading influences of tyranny and indolence, to the rational enjoyment of the bounties of their Creator? To see, in the productions of man’s almost magic powers, the cultivated country—the fragrant meadow—the waving harvest—the smiling garden, and the tasteful dwelling, and himself, chastened by the precepts of religion, and elevated by the refinements of science, partaking of the fruits of his own industry, with the proud consciousness that he eats not the bread of idleness or fraud; that his gains are not wet with the tears of misfortune, nor wrung from his fellow by the devices of avarice or extortion; his joys heightened, his sorrows alleviated, and his heart reo-

tified by the cheering voice and heaven-born influences of woman. Well may he sit down under his own vine and fig tree without fear of molestation, and his nightly repose be more peaceful than that of the stately monarch of the east upon his down of cygnets, or the voluptuous Sybarite upon his bed of roses.

The present occasion will scarcely be deemed suitable for speculations, by him who addresses you, upon the detailed processes of husbandry—the relative strength of soils—utility of grains and grasses, and the proper period for seed time and harvest. These should be taught by other lips, where the science is inculcated, rather than where we have met together to celebrate its triumphs. The prosperity of those engaged in agricultural pursuits depends not alone upon the successful cultivation of the field, and the judicious management of the farm. These, to be sure, are of primary importance, and indispensable to the success of the undertaking; but there are other subjects which deeply concern their interest and well-being, without a knowledge of which they must fail to enjoy the high station they were destined to occupy in the scale of social and political being.

The farmer cannot gather grapes of thorns, nor figs of thistles; nor can he reap the fruits of knowledge without its care and cultivation. The vast numerical majority of those engaged in this pursuit, over all others, shows that our moral, social, and political condition is in their keeping. It proves the high privileges they enjoy, as well as the responsibility which rests upon them. Privileges which they cannot duly estimate, and responsibilities which they cannot properly discharge without the acquisition of general knowledge, and a high cultivation of the moral powers and faculties. With these, they may raise and maintain their own standard of intelligence, and control, for good or for evil, the destinies of government.

The mind of the professional man is engaged with his particular calling, striving to become eminent and useful, struggling, perchance, with rivalry on either hand, and realizing "how hard it is to climb the steep where fame's proud temple shines afar." His mental vision is fixed upon a single object. His mind is accustomed to run in grooves fashioned by his pursuit—all else falls upon the sense, and he too often lives and dies the

mere creature of his profession. The merchant is buried in commerce, and the mechanic absorbed with inventions and improvements. But to the farmer, devoted to no theories, and wedded to no systems, with the ample volume of nature constantly before him, unfolding her mysteries and spreading out her allurements; the deep fountains of knowledge stand open and all combines to inspire him with a love for the sublime and beautiful. The glory of the morning sunbeam, emblem of hope and gladness—the pearly dew which glitters in his pathway—the flowers that smile around him, and the rejoicings of animated nature, tend to fill him with sentiments of love and adoration, and to elevate and refine his heart. It is a fallacy no less mischievous than idle, to suppose that there is no learning but the learning of the schools, or that, in the phrase of the day, “getting an education” necessarily requires the individual to abandon, for the time being, all other employments, and devote himself alternately to study and indolence. The pursuits of the farmer, with proper economy and a judicious division of time, are consistent with the prosecution of science and the acquisition of knowledge; and of that knowledge, too, which will enable him to discharge all the relations of life with as much prudence, understanding, and fidelity, as he whose only pursuit is study, and which, mingling its streams with the mighty current of human affairs, will teach industry, temperance, and frugality, and carry refinement and intelligence to the lowest cabin of the plains, and the remotest cottage of the mountain.

The moral sublimity of the scene which, as a people, we contemplate to-day in the light of history and human progress, is equalled only by the magnitude of our country, the diversity of her interests, and the vastness of her population. When the mind's eye tires with witnessing the untold productions and resources of the Empire State, with her fertile soil—her broad rivers and inland seas—her extensive territory—her magnificent improvements—her boundless commerce, and her institutions of religion, charity, and learning, let it glance for a moment, for a more extended view, at the infant giant of the west. The wild horse of the prairie now draws the plough over soil where erst he was wont to gambol—the bark which bears the hardy emigrant to his distant home, returns deep freighted with the

productions of his toil—the shrill war-whoop has died away in the hum of busy industry—and shall I add, painful and melancholy as is the reflection, rum, the white man's tomahawk, is fast doing its work of death upon the Pawnee and the Sioux of the border. Stricken and persecuted red man! How few are the hearts that will bleed at the recital of your woes, or the tears that will fall around your lowly death-bed! Look for the last time upon the little hillocks where repose the remains of those you loved, and upon the banks of the stream where you sported in childhood, or listened to the shadowy traditions of the past! The mighty warriors of your nation are driven from their rustic firesides—they are hurried to and fro like withered forest leaves before the blasts of autumn, and the few who yet linger will soon cease to tremble! May the deep wrongs which have been visited upon your people, and the wild revenge with which they have been repaid, alike find mercy and forgiveness at the great council-fire of eternity, and the red man be ushered into his happy hunting-grounds, in a forest of fadeless and never-dying beauty.

It is the high prerogative of the farmer to say who shall administer the various departments of our government, and to indicate its policy; to determine whether the noble ship of state, in which we are all embarked in common, shall ride proudly onward to her port of destination—to her anchorage in the harbor of happiness and peace; or whether she shall be torn by the angry and conflicting elements of strife, tossed upon the waves of folly, or wrecked upon the shoals of ambition. The farmer is the first to enjoy the benefits of a wise and just, and to taste the bitter consequences which inevitably flow from an erroneous, administration of public affairs. If government is judiciously and economically administered; if industry is not burthened by debt and taxation; if all are protected and none especially favored; its blessings, “like the dews of heaven, will descend upon all, unseen and unfelt, save in the richness and fulness they contribute to produce.” But if government, like the monarchies of the old world, is placed beyond, or elevated above the influence or condition of the mass; if it seeks to entrench itself about with office and patronage, and relies for its strength upon its parasites and placemen, and not upon the affections of the people; it can-

not win by its justice, though for a time, it may terrify by its power.

Our benign form of government—founded as it is in the mild authority of opinion, and upheld, like the broad fabric of social order, only by virtue and intelligence—is emphatically a government of the People—a government of benevolence, humanity and peace. The pulsations of its mighty heart beat responsive to the ebbs and flows of popular action and feeling; and so lively is the sympathy, and so indissoluble the union, that the errors of the government must necessarily be the errors of the people. It therefore becomes the farmer, next to the cultivation of his fields, and the discharge of his domestic and social relations, to possess himself of a thorough knowledge of the economy of human government and of political science. By this, it is not intended to invite to the study of party scrambles nor the science of political rewards and punishments—to the emulation of clamorous partisans for the honors of office or the emoluments of place and station—to participation in the patriotic shouts of the latest victors, or the desponding tone of those who have just ceased to draw their sustenance from the public treasury; but to the practical understanding of that true political science, in which the broad and deep foundations of our government are established; which inculcates the pure and elevated sentiments of justice, virtue, equality and the rights of man. Which teaches that the success of a people walks hand in hand with their industry and frugality; that all wealth is the production of human labor; that it is the legitimate province of government to protect its citizens in the enjoyment of their industry, but not to attempt the vain and idle experiment of accumulating for them; that all power or advantage conferred by legislation upon one, is taken from another, or from the mass, and is productive of inequality and injustice; and that any system of government which, in a time of peace, appropriates the industry of its people to any purpose except to insure its own enlightened, humane and economical administration, is unwise and pernicious, and is conducted upon mistaken and erroneous principles.

It cannot, nor ought it to be concealed, that a false and vitiated taste has for the last few years extensively prevailed, though we have now the gratifying evidences of a more healthy

feeling. That commercial cholera which swept over the land, infecting all classes with its poisonous influences, and causing the productive industry of the country to be abandoned or neglected for the inordinate but ideal gains of unhealthy traffic, while our bread and clothing were imported from abroad—cannot be too highly censured, nor too well remembered. At the time when our affairs, public and private, were at the nadir of depression, and cargoes of wheat were brought to our fertile land from the shores of the Baltic, an eminent banker of the house of Rothschild was solicited to make an investment in our public stocks, which he declined, by declaring with bitter emphasis, that he thought but little of an agricultural country which imported its bread. This period of delusion, to be sure, has passed. The fearful density of the storm which lowered over us has abated, and we descry the radiant bow of beauty and of promise. The belief that man cannot violate the injunctions of the Almighty with impunity, again finds support and countenance, and the subtle device of indolence and fraud, that production from the soil could be disregarded and neglected by a people—that one could borrow the promises of another, pass them to a third and thus enrich the whole, has had its rise, progress, decline and fall. And yet during all this period, agriculture, in point of *theory*, was elevated to the very pinnacle of fame. The unbending integrity, sterling worth and superior intelligence of the “laboring classes,” formed a standard text for commentaries for festive orators. The same sentiments were echoed from the bar, the desk and the legislative forum—and the press lent its giant power to swell the volume of incense and adulation. Politicians descanted upon the inbred virtues of the “bone and muscle” of the land, until we might well have supposed that to the farmer, like the ancient Pharisees, were accorded the uppermost rooms at feasts, and greetings in the markets. These flights of affection and regard, however, came periodically, like migratory birds, with the kindly influences of the season, and disappeared again at the approach of the chilling frosts which succeeded them, and fields were cultivated only in imagination and harvested in eulogy.

Many erroneous conceits and idle inventions of these times have already found their corrective in an enlightened public

sentiment ; but many of the errors of the past remain the errors of the present. While agriculture has been rescued from this dishonorable depression, and is receiving practical attention from so many of our most worthy citizens, whose praiseworthy efforts cannot be too highly appreciated, there are yet too many, especially of our youth, who seem to regard labor as a menial office, and worship at the shrine of agriculture after the manner of the publican—in the distance. They have turned their backs upon this, the noblest of human employments, to herd together in cities and villages—begin, in show and expense, without means, where they should leave off—swell the hungry column of non-producers, already large enough to eat out the productive industry of the country, and without any useful calling, rush heedlessly into debt, marvel at the scarcity of money, and await the workings of that miraculous legislation which is to usher in the advent of “better times.”

It is not the intention to institute invidious comparisons between the various pursuits and occupations of life, but to assert the belief that the undue proportion engaged in professional and commercial pursuits, and particularly those having no pursuit whatever, tends to the prejudice of both business and morals. By it, the professions are crowded and depressed, and rendered a burthen rather than a blessing—over trading is stimulated and bankruptcy induced ; and last, though not least, so many competitors in idleness are introduced, that this patriotic calling must inevitably fall into more than its wonted disrepute. It is time to correct, with unequivocal emphasis, the false and mistaken sentiment which permits men to starve in a profession, or subsist upon the wreck of fraudulent bankruptcy in experimental merchandise, rather than to earn an honest livelihood by the labor of their hands, and discharge with fidelity their duties in the varied relations of life. These errors are the errors of the society which fails to condemn and discountenance their existence, rather than the errors of individuals, who have neglected to learn that

“Honor and shame from no condition rise.”

And is it not lamentably true, that the extreme doctrines of political rewards and punishments, which have practically

obtained, by general consent, for the last few years, and have been upheld and justified by all parties who have had the dispensing of patronage, have done much, very much, to withdraw men from the sober pursuits of industry, and induce them to embark their little all upon a sea of political troubles—to forego the cultivation of the little farm where peace and plenty are the sure rewards of industrious and frugal habits, to gain a precarious subsistence by hanging upon the skirts of a party; politicians by trade, and office-seekers from principle! That, in the administration of government, the views of those charged with the various leading departments should correspond with the views of him who presides over the whole, that harmony and efficiency may unite their influences, is not denied. But that individuals who light the lamps of a city, sweep its streets, or cleanse its gutters, should be given to understand that the tenure of their place depends, not upon their industry or fidelity, but upon the success of a political party, is fraught with ruinous and demoralizing tendencies, and bodes no good to the integrity of the elective franchise.

But a sentiment so erroneous, and yet so universal, will finally be corrected by the unrestricted operations of public opinion, a tribunal to which all are amenable, and from which there is no appeal. And when the votaries of error and delusion have exhausted themselves in mistaken efforts, agriculture will receive and reward them still. Mother earth, like the father of the Prodigal Son, clothes and feeds her children who return to her, acknowledging their wanderings, though they have wasted their substance in riotous living. Many have already returned, and yet there is room. Agriculture is the only pursuit which cannot be overdone. Commerce may be depressed, and languish by its own efforts—the professions become crowded, and skill and learning go unemployed and unrewarded—the mechanic may glut the market with his wares, until he cannot even barter them for the necessaries of life, but the earth was never over cultivated, nor does it, like the children of men, refuse employment and reward;—the reward, too, is liberal in proportion as the application or importunity is earnest.

The agriculturist can do more to diffuse general intelligence among his fellow men, than those of any other

pursuit in life; and having the ability, he should exert it to guard against and arrest the numerous impositions of the age. There have always been, and we have reason to believe always will be, those who subsist upon the darkness of the human intellect, and traffic in the credulity of mankind. No sooner is one delusion exhausted, or imposture exposed, than another, if possible more impudent and shameless still, is substituted in its stead, and ignorance and superstition vie with each other in swelling the train of its votaries. In the old world, the genuine clippings from the toe nails of St. Peter, which have been sold at enormous prices to the devout at various times, would probably load a camel; and the wood which is preserved and cherished as sacred relics, and exhibited for gain, as fragments of the true cross, in every country of Europe, would build a ship of the line. In the new, it finds amusement in exhuming the fossil remains of a golden revelation, whose cabalistic words are more occult and mysterious than the Sibylline leaves of mythology; and anon it finds indemnity for the omissions of the past in a supplementary revelation, which, in view of the subject, is more appropriately upon *brass*. It penetrates the future at its own convenience, and calculates the final conflagration as an astronomer calculates an eclipse; and animal magnetism, fixing her mental eye upon physical objects, sets credulity agape, and snores the last sad requiem. In medicine it seeks relief in vermifuges, pain extractors and elixirs of life, which, if applied in proper quantities and at appropriate periods, would not only enable man to clothe himself with perpetual youth, and laugh at the infirmities of age, but to conquer his last great enemy, and cheat the grave of its victim. It robs political economy of its simplicity and truth, and invests it with the recondite mysteries which enveloped heathen philosophy, and benevolently discovers panaceas and restoratives which are to correct all the imperfections of our nature, and avert the thousand complicated ills to which poor frail humanity is heir.

All impostures have one feature in common—that of first providing for themselves, in pretending to care for others; in heralding their own purity and benevolence, and in recommending to the world, in the true language of the craft, to submit to the prescription, and “beware of counterfeits.” Ig-

norance is the meat upon which imposture feeds, and it is deprived of aliment in proportion as knowledge is increased. And the same standard of intelligence which renders labor attractive—which teaches that it is honorable, and inculcates lessons of virtue and economy in domestic and social life, will dispel the remnants of superstition and bigotry which the dark ages have left behind them, unmask and expose the charlatan and the impostor, and inspire sentiments of virtuous patriotism, the most elevated and enduring. But this standard, whether designed to govern public or private morals—the social or political relations—the economy of the fireside or that of the legislative hall, must be raised and maintained by the authority of opinion alone, and not by sumptuary laws or restrictive enactments. It must be enforced by the moral, and not the penal code—by the schoolmaster, and not by the government official. It must be engraved upon the tablet of the heart, and not written upon the pages of the statute.

The British statesman, hugging his peevish conceits, and cherishing that most impious of dogmas, the “divine right of kings,” is unable to conceive how personal safety or the well-being of society can be preserved by opinion; or how a government can contain the elements of strength and duration which rests alone upon popular intelligence, and thrills with every fibre of its frame; and hence his belief in the necessity of placing the government beyond the reach of the “lawless multitude.” But a purer and sublimer creed has established the welcome truth, that there is both strength and duration in a government of opinion, and that it is wise to reject the principles of a physical for those of an intellectual age. Liberty is the price and the reward of eternal vigilance, and its lamp burns with a brighter and purer glow when surrounded by intelligence and self-control, than when nursed by a restrictive policy of artificial morals, which lights its farthing candle to aid the meridian splendor. Our government is our people—our people our government. Our institutions, domestic, social and political, are founded in freedom, and he who aids in forming the first code of restrictions, however specious the pretence, or by whatever name it may be dignified, will have aided in forging one link in the great chain of despotism, which, if riveted upon us, will load down the energies of the people like

the limbs of a Trenck in the dungeons of Galtz and Magdeburg. Xerxes cast fetters into the sea to restrain the dashing of its waves, and Canute stretched out his puny sceptre to prescribe the limits of their flow; but the mighty waters rolled on in mockery of their power: and he who essays to restrict the moral elements within the boundaries established by his own conceits, will see his weakness derided and his impotence laughed to scorn. They may at times be lashed by the fury of the tempest, the waves run mountains high, and threaten danger and destruction; but anon, they will be purified by their own agitations, and return again to a repose serene and beautiful.

If our republic endures, as it must and will, its elements of strength must be freedom and intelligence. So long as men in public or private life are virtuous for virtue's sake—for the rewards it bestows—there will be an earnest of safety and abiding hope;—but when they shall become virtuous from necessity, honest upon compulsion, and frugal pursuant to statute, we may listen for the knell of departing liberty and glory. We are now struggling with the mighty experiment, whether perfect freedom will ensure duration, and endeavoring to establish as truth, that the whole are as virtuous as a part. The agricultural population form the sheet anchor of the republic—the Christian's consolation—the patriot's hope. It is for them to foster and preserve that pure and elevated standard of morals and intelligence with the mass, which will enable us to outride the storm that has overwhelmed and blotted from existence the governments of the old world. The grandeur and beauty of Egypt, mistress of the arts, has vanished from the earth like the foot prints of the traveller in the desert. She is illustrious only in her lofty pyramids; and, apt emblem of herself, her gloomy repositories for the dead. Humbled and despairing, she lies manacled at the foot of the barbarian, and hugs her chains in silence. Greece, once the light of the world in science and learning, marred and despoiled, is struggling to prolong a degraded existence, with the foot of the conqueror upon her neck. And Rome, whose victorious banner waved triumphantly over a vanquished world, has degenerated to a land of fiddlers and dancers. They fell, too, in the moment of their haughtiness and pride. The faded

monuments of their existence and greatness stand as beacons to mankind to warn them of the dangers of war, luxury and ambition. In pleasing contrast the moral grandeur of our republic rises up, blooming with perennial beauty and smiling above the ruin, like flowers of spring succeeding the desolations of winter. The land of the free—the home of the brave—the asylum of the oppressed. Its foundation freedom—its structure virtue and intelligence, and its strength, equality. Proclaiming to the world the gratifying truth, that man is capable of self-government ; and that the path of virtue for governments, as well as individuals, is the path of happiness and peace.

ADDRESS

OF THE ALBANY REPEAL ASSOCIATION TO THE PEOPLE OF
IRELAND, January 3, 1844.

[The meeting of the Association for which this brief address was prepared, and at which it was adopted, was held in the Capitol of the State, (which was splendidly illuminated for the occasion,) and presided over by ex-Governor Seward, who made an elaborate and able speech on taking the chair, and letters expressing sympathy with the objects of the Association were read from ex-President Van Buren, Governor Bouck, Michael Hoffman and other prominent public men of the day.]

TO THE PEOPLE OF IRELAND.

THE members of the Albany Repeal Association, and other friends of civil and religious freedom, at the Capitol of the State of New York, uniting their voices in concert with other friends of equality and the rights of man throughout North America, on this day, consecrated to the cause of Irish emancipation, tender to you, and to the friends of freedom throughout the civilized world, their sympathetic congratulations: and, by virtue of the great charter of human rights vouchsafed by the Almighty to the whole family of man, and in the name of Eternal Justice, demand for you and for your children the blessings of civil and religious liberty.

We have witnessed with deep emotion the degrading vassalage which has paralyzed your energies—which has wrung from your labor its wonted reward—dimmed the bright passages in the life of your youth—extinguished the light and beauty of childhood—and added grief and heaviness to years.

We have beheld, with sentiments of the liveliest admiration, the strong evidences you have manifested of a capacity for self-government, in expelling from your borders the vampire Intemperance, which was gnawing like an adder's tooth at

your heart-strings and drinking your choicest life-blood ; and also in summoning your lordly oppressors for trial at the bar of public opinion, and persisting in a redress of unbearable grievances by peaceable and constitutional means.

By the mild yet potent influences of *OPINION*, you have loosed the chains and broken the fetters of one cruel despotism ; and, by the workings of the same gentle and resistless power, you shall be delivered from the thralldom of another.

These moral weapons, more formidable than hostile fleets or armies with their engines of destruction, have already pierced the iron mail of the gigantic power that lords it over you ; and, when the united voice of the whole civilized world shall ascend on high, demanding your emancipation, this modern Felix will tremble—the doors of the political bastile, where “the iron has so long entered into the soul” of a generous and confiding people, will be unbarred, and its tenants be permitted to taste the blessings of liberty, light and life.

We do not propose to incite you to acts of violence and insurrection against the government under which you live ; but so long as you war with moral weapons—so long as you peaceably invoke the spirit of your national constitution—we will second and sustain your efforts ; for there is no impost chargeable upon Sympathy for our fellow-mortals, nor is Opinion contraband by the law of nations.

This peaceful, just and constitutional method of obtaining freedom, contains all the elements of success, and will leave behind it no traces of violence and bloodshed. The same bloated power which with characteristic arrogance boasts her ability to withstand the *arms*, will cower and quail before the *opinion* of the world ; and, although her fleets may hover around your coast, and your land be overrun with her hireling and insolent soldiery, she will not resort to the butchery she has threatened, unless she can first exasperate the objects of her oppression to the commission of some overt act of violence ; for, though drunk with blood as she is, and insensible to wrong, she knows too well that the first clash of British arms will fall on other ears than those of the hapless sons of Erin.

Let us then, in uniting our voices with those of our brethren throughout our widely-extended land, demanding that you who, like other men, are endowed by Heaven with inalienable

rights, may enjoy with us the blessings of civil and religious liberty, entreat you, by every consideration which can influence human action—by and in the name of that liberty which we invoke for you in our common prayer—to pursue faithfully to the end the precepts inculcated by your fearless and patriotic Liberator—by peaceably demanding justice at the hands of man, while raising “invocations to the living God ;” and Ireland—devoted, persecuted, down-trodden Ireland—IRELAND SHALL YET BE FREE.

SPEECH

UPON THE JOINT RESOLUTION PROVIDING FOR THE ANNEXATION
OF TEXAS.

DELIVERED IN THE SENATE OF THE UNITED STATES, February 22d, 1845.

I rise, Mr. President, to the discussion of the question before the Senate, under circumstances of peculiar embarrassment. Sympathizing at all times deeply with the feeling that surrounds me, and being aware of the anxiety that prevails with the friends of the measure to close the debate, in which I also liberally share,—this consideration has not failed to add its influence to those which usually attend a first effort upon the floor of the Senate. The Senators from New York have, however, been called upon in debate to respond to interrogatories; and intending to act up to the responsibilities of my position, I deem it both proper and necessary to declare frankly my sentiments and the considerations that influence my action and this I shall do in as brief a manner as possible. I regard the proposed measure as fraught with consequences of the highest import to the country;—one that has fixed the attention of the people and been much discussed in their primary and representative assemblies. In its discussion here I shall pursue the plan I originally marked out; for although much I intended to say has been well said by others, my order of arrangement will be somewhat different from any which has been presented, and I hope to urge some arguments which have not been before the Senate.

The question being upon the indefinite postponement of the resolutions, thus disposing of the whole matter, I shall address myself entirely to the main proposition, and reserve all discussion as to details until the pending motion has been determined and distinct propositions shall be presented.

The debate has already taken an extended range. Almost every page of national and international law extant has been introduced, and the Capitol has resounded with passages from Vattel and Grotius, Puffendorf and Burlamaque, Blackstone and Marten, and Kent and Story to fortify or confute positions which have been taken. The current of history has been traced backward until lost amid the mists and shadows of tradition. Fable with her fanciful illustrations has been made to perform her part; and the Pantheon of mythology with its grotesque imagery has been unfolded. How meagre then must be the reward of him who gleans where such able hands have garnered the abundant harvest.

The view which I propose to take is mainly of a more popular character; before proceeding with which, however, I will briefly respond to the interrogatory, somewhat significantly proposed by the Senator from Louisiana,* and repeated with emphasis by the Senator from Connecticut,† touching the position of New York upon this question—whether it was there an issue at the late election, and what were the opinions of her present chief magistrate, late a distinguished member of this body? My acknowledgments are due to the honorable Senators for the opportunity they have afforded me of declaring the true position of the State which I have the honor in part to represent. I have not chanced to meet the distinguished individual whose opinions are sought, since the question arose at the last session, and have no means of knowing his sentiments except so far as reported through the press from his public addresses. From such publications I learn that, though opposed to the details of the treaty submitted at the last session, yet that he is in favor of annexation, upon such terms and conditions as would satisfy his judgment. I am not advised what particular plan is preferred; nor is it probable that the people of the State, in selecting a local chief magistrate in whom they had confidence, had regard to his opinions, if known, upon the details of a measure with which he could have no official connection or relation. While I do not pretend that the mere details of any plan were determined by the result of the election in that State, I am confident my

* MR. BARROW.

† MR. HUNTINGTON.

respected colleague will bear me witness that the general question of annexation constituted one of the main issues which were there tried and decided by the people. In the great political contest which was there waged, our respected opponents, true to their instincts, early placed this question in the foreground, and took up the issue upon which they were most signally defeated. At their great party gatherings, the banner which displayed the lone star was robed in mourning; the hapless girl, who was fated to represent the neighboring republic, was clad in sable habiliments; their processions marched with funeral tread, and their orators discoursed in tremulous voices and lugubrious tones of the blighting influences which would one day be shed from that baleful star.

But with us—on every banner the lone star shone resplendent. The fairest village maiden, robed in virgin white, and adorned with chaplets of flowers, was hailed as the emblem of this youthful sister. Annexation was upon the lip of every orator; was invoked in speech and celebrated in song. It stood out in bold relief from the columns of the press—it rose high upon the enthusiastic shouts of the young, and was approvingly debated by venerable and hoary-headed men. Who, then, shall say that in this great trial before the highest tribunal known to our political system this question was not in issue—was not decided? But it cannot be necessary to recount the history of this wholesome conflict of opinion, which is written, as it were, with a pencil of light, upon the page of our country's proudest popular triumphs?

I will now, for a few moments, notice the territory proposed to be annexed—its relative location, its physical and political condition—for the purpose of seeing whether there is any just cause for the alarm and consternation which some seem to suppose should attend the measure. Texas is bounded eastwardly by two States of this Union—Louisiana and Arkansas; southwardly by the Gulf of Mexico; westwardly by the Rio del Norte, extensive deserts, and almost impassable mountains—a boundary as significant as if traced, like the decalogue, by the finger of the Almighty; and northwardly by our Western territory, and contains, according to Kennedy, its historian, 324,000 square miles. Its soil and climate are described by the same author, as follows:

"The soil of Texas presents three distinct natural aspects, by which it is divisible into a corresponding number of regions, or districts; the plain or level, the undulating or rolling, and the mountainous or hilly.

* * * * *

"The prevailing character of the soil of the level region of Texas is a rich alluvion—singularly free from those accumulations of stagnant water which, combined with a burning sun and exuberant vegetation, render a large proportion of the southern parts of the United States little better than a sickly desert. The porous character of the soil, the gradual elevation of the level lands towards the interior, and the general rise of the banks from the beds of the streams, preclude the formation of swamps to any injurious extent. The rolling or undulating region forms the largest of the natural divisions of Texas. North and northwest of the level section lying between the Sabine and San Jacinto rivers, the country undulates towards the Red river. The thickly timbered lands extend quite to the Red river, and as far to the west as a line drawn due north from the heads of the Sabine. A wide belt of rolling and thinly wooded prairie extends westward of this line along the margin of the Red river. The country rises in gentle and beautiful undulations above the alluvial region of the Brazos, Colorado, and Guadalupe, extending in a northwesterly direction up those rivers, from 150 to 200 miles, as far as the hilly district. Here is a delightful variety of fertile prairie and valuable woodland, enriched with springs and rivulets of pure and sparkling water, which, like the larger streams, are invariably bordered by wooded 'bottoms.' The undulations often swell at lengthened intervals into eminences of soft acclivity, from the summits of which the eye may repose on some of the fairest scenes in nature. The rolling lands between the Guadalupe and Nueces sweep towards the northwest, with an elevation gradually increasing, until they terminate in the highland range, at a distance of about 200 miles from the level region of the coast. Timber and water are not so abundant in this section as in the country lying further east, but it affords excellent pasturage, and is peculiarly adapted to the raising of all kinds of stock.

* * * * *

"The mountains are of third and fourth magnitude in point of elevation; those of San Saba are deemed the highest. They are clothed with forests of pine, oak, cedar, and other trees, with a great variety of shrubbery. Extensive valleys of alluvial soil wind throughout the range; most of them susceptible of irrigation and profitable culture. The sides of the mountains themselves, with not a few of their summits, are adapted to agriculture. Copious and limpid springs abound in the highlands, fertilizing the soil and forming innumerable rivulets, which, gliding with a rapid current, unite their waters, until

they swell into large and bounteous rivers, that scatter plenty over the central and western districts of the Brazos and Bexar. Of the tablelands beyond the mountains, which are said to be healthy and fertile, little is known, and still less of the northern region, extending to the 42d deg. of north latitude.

* * * * *

"The climate of Texas, the most southerly part of which lies within two degrees and a half of the tropic, is as varied as the productive qualities of the soil, and is, perhaps, on the whole, superior to that of any other portion of North America. In Texas proper it is neither so cold in winter, nor so hot in summer, as in the northeastern section of the United States."

Mr. Jefferson, in writing to Mr. Monroe concerning this country, in 1820, says :

"To us the province of Texas will be the richest State of our Union, without any exception. The southern part will make more sugar than we can consume, and the Red river on its north is the most luxuriant country on earth."

And Mr. Clay, in a speech made in the same year, upon this subject, bears testimony as follows :

"All accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious ; the soil fertile ; the margins of the rivers abounding in live-oak ; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports in the Gulf of Mexico. The productions of which it was capable were suitable to our wants. He would not give Texas for Florida in a naked exchange."

The free white population number 140,000, mostly from the United States, besides 24,000 slaves. She has a President, Congress, courts of justice, institutions of religion and learning, and thirty-five organized counties. She has, too, a charter of freedom, sealed with the heart's blood of her own gallant sons, and witnessed and approved by all the leading powers of Christendom. Let us glance at her political history.

This country, now the subject of so much agitation, discussion and contention, was discovered by the French in

1685. It was subsequently ceded to Spain, and receded to France in 1800. It was ceded by France to the United States in 1803; and one of the articles of the treaty, solemnly made and ratified, was as follows :

"The inhabitants of the ceded territory SHALL BE INCORPORATED INTO THE UNION OF THE UNITED STATES, and admitted as soon as possible, according to the principle of the Federal Constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and, in the meantime, shall be protected in the free enjoyment of their liberty, property, and the religion which they profess."

The western boundary of this ceded territory was declared at the time to be the Rio del Norte; as evidence of which we have the concurring testimony of Mr. Jefferson, Mr. Pinckney, Mr. Madison, Mr. Monroe, Mr. Adams, General Jackson, and Mr. Clay. Mr. John Q. Adams, Secretary of State, under the administration of Mr. Monroe, in the summer of 1818, learning that settlements were forming on a portion of this territory, and as he believed, by some authority of France, or to promote the views or interests of that government, sent a special agent there, with directions to proceed to the Rio Bravo, (now called the Rio del Norte,) and to give warning to the settlers that the territory was within the "*United States, who would suffer no permanent settlement to be made there under any other authority than their own.*" And he was further directed to manifest "*the surprise with which the President has seen possession thus taken, without authority from the United States, of a place within their territorial limits, and upon which no lawful settlement can be made without their sanction.*"

I desire to call the attention of the Senate especially to this article in the treaty of 1803, as also to the *convincing evidence* of the fact that Texas was, after the treaty, *regarded as belonging to the United States*. I am thus particular, for the reason that the justice and morality of favoring annexation in a national view have been seriously questioned. I will endeavor to show to those who will patiently follow me through the history of this territory, at whose door lie bad faith and broken covenants. This territory was partially settled in 1803,

when it was ceded to us by France; and by reference to the article of the treaty just cited, it will be seen that its inhabitants were entitled to be admitted into the Union as soon as they should have a representative population; and in the mean time they were to be protected in the enjoyment of *their liberty, property, and the religion* they professed. The residents of the territory looking at this guaranty, and believing they were at no distant day to enjoy its benefits as a reward for the hardships, dangers, and privations of border life, continued to occupy and improve the country; and the poor and adventurous from the United States, from the green hills of New England, the Empire, the Keystone, the young and fertile West, and chivalrous South, flocked thither under the same hope and expectation until 1819.

(Here I will pause to make a point in the morality as well as the law of the case, chiefly for the ear of those who seem to suppose that the inhabitants of Texas in desiring admission into the Union, and those who are willing to admit them, are about to commit an act of great national wrong.)

But while they were thus awaiting the happy period when they should be fully restored to the institutions of the land of their fathers, and enjoy again the priceless boon of American citizenship, a treaty was negotiated by Mr. Adams, and subsequently perfected, and the territory of Texas, with its inhabitants, without their knowledge or consent, was ceded to Spain. And this is the manner in which our brethren in Texas have been "*protected*" in the enjoyment of their *liberty, property and religion*! and admitted to the privileges of the Union!—transferred, with their homes, their families, and all they held dear, to a capricious, weak, and bigoted despotism—alien in fact and in name, in sentiment, in language, in education, in habit, pursuit, and religion. This is the history of this territory and of this people, in plain English, which has been ingeniously glozed over for a quarter of a century, to conceal the blunders and the gross injustice by which a sentence of national outlawry was attempted to be enforced. And I desire no better argument in favor of the justice, expediency, and importance of re-annexation, than the fact that every administration, since its cession to Spain, has endeavored to regain it at almost any price.

But was this unhallowed transfer ever binding upon the inhabitants of Texas? I deny that it was. It was fraudulent and void upon those principles of natural and eternal justice which are paramount to all human authority, and which constitute according to Vattel the foundation of national law. By a statute of most of the States of the Union, no one can alien real estate of which another holds possession, claiming title. All transfers or agreements to transfer are null and void, and the parties to such instruments are guilty of a high misdemeanor. Although such rule has no legal application here, I submit that the transfer of this people to a foreign government, under the circumstances, was a violation of the same spirit of justice in which it was founded, and an infliction which none but a tame, spiritless, and degraded race would endure. Nor did the inhabitants of Texas ever for a moment submit to this humiliating transfer. Upon the publication of the Spanish treaty they assembled in solemn convention, and in language bold, indignant, and befitting the sons of revolutionary sires, recited the history of their wrongs, and declared that—

“The recent treaty between Spain and the United States of America has dissipated an illusion too long fondly cherished, and has roused the citizens of Texas from the torpor into which a fancied security had lulled them. They have seen themselves, by a convention to which they were no party, literally abandoned to the dominion of the crown of Spain, and left a prey not only to impositions already intolerable, but to all those exactions which Spanish rapacity is fertile in devising.

“The citizens of Texas would have proved themselves unworthy of the age in which they live—unworthy of their ancestry of the kindred republics of the American continent—could they have hesitated in this emergency as to what course to pursue. Spurning the fetters of colonial vassalage—disdaining to submit to the most atrocious despotism that ever disgraced the annals of Europe—they have resolved, under the blessing of God, to be free.”

This independence she substantially maintained, for although Spain occasionally made predatory incursions upon her territory with a hostile army, she never bowed her neck to the degrading vassalage; and when Mexico established her independence, and suspended—for she never closed—her intestine broils, Texas joined the Mexican confederacy as a free, inde-

pendent, and sovereign State. In 1833 she framed and adopted a State constitution, as she had the right to do by the articles of confederation, and sent her agent to the central government with a respectful memorial, asking admission under the constitution she had framed. Her memorial was rejected, and her agent thrown into prison.

In 1835, the miniature Nero of the age, Santa Anna, established a central military dictatorship upon the ruins of the Mexican Confederacy. Texas refused to acknowledge his authority, and he abolished her local legislature. She called a convention, framed a provisional government, and pledged herself to stand by the original constitution, and he sent an army to subdue her. His army was defeated, captured, and released upon parole of honor, and under an agreement on his part not to oppose further the constitution of 1824, under which Texas entered the Mexican Confederacy.

The military despotism continuing to bear sway, in March, 1836, the people of Texas, being goaded beyond endurance by repeated and aggravated wrongs, elected delegates to a convention, who, in the true spirit of the American Revolution, recited in glowing language the reasons which compelled them to a separation, and closed with the following emphatic declaration of rights:

"We, therefore, the delegates, with plenary powers, of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare that our political connection with the Mexican nation has forever ended; and that the people of Texas do now constitute a FREE, SOVEREIGN, and INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations; and conscious of the rectitude of our intentions, we fearlessly and confidently submit the issue to the Supreme Arbiter of the destinies of nations."

Then came the military despot, Santa Anna, at the head of an army of eight thousand, threatening indiscriminate death to all who should oppose his progress or authority. A war of extermination was prosecuted on his part against the devoted Texans with more than savage ferocity. Look at the history of the Texan revolution, literally written in blood. See your

own brave sons chained, imprisoned, starved, and wantonly murdered, because they fought, like their fathers, to defend their homes and their firesides, their wives and their children, against the licentiousness, murder, and rapine of a bloodthirsty and merciless tyrant, to whose caprices they had been abandoned by a Christian people who gave them origin and had promised in the face of a civilized world to nourish and *protect* them.

For the benefit of those who have been so lavish in their censure of this brave people, and have apparently justified the prosecution of the war of the Mexicans against them, I desire attention for a moment to a brief narrative of the execution of prisoners at Goliad, after they had surrendered under written stipulations that they should be treated as prisoners of war, according to the usage of civilized nations. It is an extract of a letter from a Mexican officer, and may be found in Pease's History of Texas :

"This day, Palm Sunday, March 27, has been to me a day of most heartfelt sorrow. At six in the morning, the execution of four hundred and twelve American prisoners was commenced, and continued till eight, when the last of the number was shot. At eleven, commenced the operation of burning their bodies. But what an awful scene did the field present when the prisoners were executed, and fell dead in heaps! And what spectator could view it without horror? They were all young, the oldest not more than thirty, and of fine florid complexions. When the unfortunate youths were brought to the place of death, their lamentations, and the appeals which they uttered to heaven in their own language, with extended arms, kneeling or prostrate on the earth, were such as might have caused the very stones to cry out in compassion."

But the same blood which had been poured out at Lexington and Bunker's Hill, at Saratoga and at Yorktown, still coursed in other veins; the same high hopes and manly daring; the same scorn of a tyrant's frown and a tyrant's chains animated the bosoms of the brave sons of Texas. They met their oppressor at the great tribunal and *dernier resort* of nations—the field of strife—and once more waged their battle upon the plains of San Jacinto. Despotism was overthrown—liberty triumphed. Santa Anna was then the acknowledged

dictator and chieftain of Mexico, and as such, together with his generals, made, signed, sealed, and delivered a treaty acknowledging the independence of Texas, and containing among other articles the following :

" *Fourth.* That the President (Santa Anna) in his official capacity as chief of the Mexican nation, and the Generals Don Vincente Filasola, Don Jose Urea, Don Joaquin Ramirez y Sesma, and Don Antonio Gao-na, chiefs of armies, do solemnly acknowledge, sanction, and ratify the full, entire, and perfect independence of the Republic of Texas, with such boundaries as are hereafter set forth and agreed upon for the same."

The independence of Texas has been acknowledged by all the leading powers of the earth, and has been maintained by her, inviolate, for about nine years ; and yet we are told that she is a revolting province subject to Mexico ; and that her independence must stand in abeyance until Mexico shall find leisure and means to reconquer her. And especially are we admonished by the Senator from Kentucky* to abstain from any negotiation with Texas until Mexico shall have closed her intestine broils and be no longer at war with herself. We are urged to square our opinions and our actions to suit the caprices of this uncertain and fitful government—this turbulent and fugitive *pseudo* republic, whose star of liberty twinkles faintly for a moment upon the horizon's verge, and is then obscured in blood and darkness. Its leading spirits and dictators, through its brief history, have been vibrating between the diadem and the dungeon, giving lessons in cruelty and blood, and falling victims to their own sanguinary code. The Athenians, in the capricious treatment of their rulers, are said to have administered the hemlock one day as the penalty for some real or supposed offence, and the next to have erected a statue to commemorate the virtues of the deceased. But Mexico, reversing the order of proceedings, first commemorates the virtues, and then administers her penalties.

When shall this spirit of vengeance be appeased or sated ! If Texan independence cannot be perfected without the further acknowledgment of Mexico, how shall that be obtained ?

* MR. MOREHEAD.

Shall she yet demand that hecatombs of human victims be offered up, as in the days when the proud Aztec revelled in the halls of the Montezumas, and the people of her mountains were thrown for support, like Ishmael, upon the crossbow and the chase? or, can her negative caprice suspend a nation's birthright, and enslave forever, by the impotence of her will, a people who have successfully defied her arms? I inquire whether Texas is the less an independent government because Mexico sullenly refuses to ratify the treaty of her chieftain acknowledging her independence; and if so, whether the United States would now be colonial dependencies, if Great Britain had chosen to withhold her assent to a treaty of peace and separation, but had acquiesced in both? Von Marten says:

"A foreign nation, not under any obligation to interfere, does not appear to violate its perfect obligations, nor to deviate from the principles of neutrality, if, in adhering to the possession, (without examining into its legality,) it treat as a sovereign him who is actually on the throne, and as an independent nation, people who have declared and still maintain themselves independent."

And Mr. Webster, as Secretary of State, in his correspondence with the Mexican Government in 1842, says:

"Mexico may have chosen to consider, and may still choose to consider Texas as having been at all times since 1835, and as still continuing, a rebellious province; but the world has been obliged to take a very different view of the matter.

"And it must be added, that the constitution, public treaties, and the laws, oblige the President to regard Texas as an independent State, and its territory as no part of the territory of Mexico."

But it is asked why Texas should desire to be annexed. This could be readily answered. I have already shown that, from 1803 to 1819, her citizens settled there upon the faith of the treaty stipulating to admit them into the Union. Besides, it was their father-land—the land of their early and happy years—the home where they sported in childhood, and sped joyously down the stream of time with the gay companions of life's unclouded morning. Here, in the village churchyards, rest the

sacred ashes of their beloved dead—here are yet the brethren and sisters with whom

“They grew in beauty side by side.”

What State of the Union would consent to be dismembered—what territory to be shut out from its anticipated privileges? What people, born, raised, and educated under the fostering spirit of our institutions—under the broad ægis of our laws and entitled to their protection—would willingly forego its benefits? What citizen would consent to be expatriated—what child to be disowned or abandoned?

The Senator from Kentucky,* with imposing eloquence and figure, grouped the twenty-six happy sister States, and lamented that their enjoyment should be disturbed by the admission of this intrusive stranger. Let us pursue this aptly-suggested illustration a little farther. The twenty-six sisters have assembled upon a gala-day at the dear old mansion, to brighten the chain of friendship and affection—to aid and console each other by their counsels, and strengthen the ties of sympathy which unite them. We can see, in the mind's eye, in that happy group the rosy daughters of New England—the stately Empire—the proud Keystone—the glowing West, and the sunny South. But whose is that supplicating form standing in the distance—who is that dark-haired and childlike sister asking permission to sit around the hearth-stone of her earlier years and taste again of the joys of home from which her affections have never wandered? She is of the same parents born, and craves the protection and guidance of her sisters of maturer age—the benefits of the family union. But her humble request is not granted. She is told, by the joyous sisterhood, that their cup of felicity is overflowing, and they fear her presence may infuse the poison of jealousy and domestic discontent. She is admonished to withdraw, lest she may mar the moral beauty of the scene we have just contemplated; to go forth and buffet alone the tempests of the world; to withstand, as best she may, its seductions and allurements, its temptations and its snares. She now appeals to the common parent; and shall her voice be unheeded? Even

* MR. MOREHEAD.

the prodigal son, when he returned repentant, was hailed with open arms. How much more, then, shall the child be received who has discharged with fidelity all its duties and relations ?

But I will no longer pursue the figure which has been presented, and will proceed to notice briefly the constitutional right of Congress to admit Texas into the Union. This question has been so fully and ably discussed that I will give it only a passing notice. The clause of the Constitution conferring this power is in the following words :

"New States may be admitted by the Congress into this Union ; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress."

This language is plain, clear, and unequivocal ; and if it means what it purports, there remains no doubt of the power. But every effort which legal ingenuity could devise has been put in requisition to invent some reading or establish some principle of construction by which the power should rather be denied than given.

Mr. Justice Story, in his valuable Commentaries on the Constitution, says :

"In the first place, then, every word employed in the constitution is to be expounded in its plain, obvious, and common sense, unless the context furnishes some ground to control, qualify or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness, or judicial research. They are instruments, of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings. The people make them ; the people adopt them ; the people must be supposed to read them with the help of common sense ; and cannot be presumed to admit in them any recondite meaning, or any extraordinary gloss."

The constitution, then, declares that new States may be admitted by Congress ; and the Constitution is to be read, understood and construed upon principles of plain common sense ;

and upon such reading, understanding and construction, who shall maintain that no such power is conferred ?

But it is said, with much apparent confidence, and often repeated, that this power was given to admit new States *from territory belonging to the United States at the time of the admission*. If any argument narrow and circumscribed were necessary to confute this view, it might be found in the significant and unanswerable fact that, while this clause of the Constitution was under discussion by its framers in Convention, the article, as originally submitted, was as follows : " New States, lawfully constituted or established, *within the limits of the United States, may be admitted,*" &c. ; *which was rejected*, and the article adopted as above.

Resort has been had to the history of the times to find some authority for expunging this plain power from the Constitution, or for introducing into the instrument some qualifying language. The debates of the members of the Convention, their correspondence, public and private, at the time, as well as the opinions of individual members afterwards, are now eagerly sought for to reverse and overrule one of the plainest provisions of the Constitution. I admit that there are cases where this mode of construction is admissible ; but this is not one, for the language does not fairly admit of doubt ; and for this position, I have also the authority of Justice Story, who says :

" Contemporary construction is properly resorted to to illustrate and confirm the text, *to explain a doubtful phrase, or to expound an obscure clause* ; and in proportion to the uniformity and universality of that construction, and the known ability and talents of those by whom it was given, is the credit to which it is entitled. It can never abrogate the text ; it can never fritter away its obvious sense ; it can never narrow down its true limitations ; it can never enlarge its natural boundaries."

But if contemporaneous history be admissible, its whole evidence goes to support the express power of the Constitution. The original articles of Confederation provided for the admission of Canada into the Union. Mr. Madison in the *Federalist*, speaking of the omission to provide by the articles of Confederation for the admission to the Union of new States other than

the colonies, and of the advantage derived thereby from the Constitution, says :

" We have seen the inconvenience of this omission, and the assumption of power into which Congress has been led by it. With great propriety, therefore, has *the new system supplied the defect.* "

The objections now raised in the Senate were unsuccessfully urged upon the adoption of the Constitution, and might, if traced to their true source, be found to be as old as that sacred instrument. They created neither intimidation nor alarm then, and why should they now ? They were then quieted by the calm and elevated reasoning of the patriots of that interesting period, and might now be met with a few words from the same pure and inexhaustible fountain. In the 14th number of the *Federalist*, Mr. Madison, in the discussion of these very questions, and in vindicating the then new Constitution, and explaining the benefits which its adoption would confer, says :

" All that remains, within this branch of our inquiries is, to take notice of an objection that may be drawn from the great extent of country which the Union embraces. A few observations on this subject will be the more proper, as it is perceived that the adversaries of the new Constitution are availing themselves of a prevailing prejudice with regard to the practicable sphere of republican administration, in order to supply, by imaginary difficulties, the want of those solid objections which they endeavor in vain to find.

" The error which limits republican government to a narrow district has been unfolded and refuted in preceding papers. I remark here only that it seems to owe its rise and prevalence chiefly to the confounding of a republic with a democracy.

" As the natural limit of a democracy is the distance from the central point which will just permit the most remote citizens to assemble as often as their public functions demand, and will include no greater number than will join in those functions, so the natural limit of a republic is the distance from the centre which will barely allow the representatives of the people to meet as often as may be necessary for the administration of public affairs.

* * * * *

" The immediate object of the Federal Constitution is to secure the union of the thirteen primitive States, which we know to be practicable, and to add to them such other States as may arise in their own

bosoms, or in *their neighborhood*, which we cannot doubt to be equally practicable."

Mr. Gouverneur Morris evidently believed that such power was intended to be given to Congress by a majority of the Convention which framed the Constitution, for in his letters to Mr. Livingston, expressing an adverse private opinion, he admits that that article could not have been adopted with the restrictive clause.

Before hastening to my next position, I beg leave to refer to the opinion of an eminent citizen of my own State, recent, to be sure, but one which has not been expressed without much consideration. I allude to the letter of Mr. Van Buren to Mr. Hammett, written during the last session of Congress, upon the power of Congress to admit new States from foreign territory. Mr. Van Buren examines at some length the constitutional question, and says :

"The matter, therefore, stands as it would do if the Constitution said, 'new States may be admitted by the Congress into this Union,' without addition or restriction. That these words, taken by themselves, are broad enough to authorize the admission of the territory of Texas, cannot, I think, be well doubted ; nor do I perceive upon what principle we can set up limitations to a power so unqualifiedly recognized by the Constitution in the plain, simple words I have quoted, and with which no other provision of that instrument conflicts in the slightest degree.

* * * * *

"I have not, therefore, been able to bring my mind to any other satisfactory conclusion than that it was the intention of the Convention to give the power of admitting new States to Congress, with no other limitations than those which are specified in that instrument.

"The language employed, the specification of certain restrictions, the adoption and subsequent exclusion of that which is now referred to, together with the subsequent and continued action of the new government, all seem to combine to render this interpretation of the Constitution the true one."

But the Senator from Massachusetts* has, with remarkable ingenuity, taken his stand upon what he is pleased to term the *outside* of the Constitution, and looked in upon the deliberations

* MR. CHOATE.

of the Convention, and from such view has argued that, from the very nature of things, no such power would have been conferred by such a body. Waiving the numerous answers which occur to this portion of the argument of that learned Senator and distinguished lawyer, I could imagine the Senator acting professionally and defending his client against the obligations of a bond. The instrument containing penalty and condition, signature, seal, and subscribing witness, all valid and genuine; but the counsel would, as in this case, take his stand, as it were, *outside the bond*, and look in, in imagination, upon the transaction at the time of its execution, and conclude against all evidence, from the nature of things, that such bond could not have been made by his client! His client had no occasion to give a bond with so large a penalty, with such condition, bearing such rate of interest, so speedily to fall due; and therefore the counsel would insist it should be adjudged that the bond was not executed. Would such an argument be made, relied upon, or entertained?

The honorable Senator from Connecticut* examined, at some length, the meaning of the word "*new*," in the article under discussion, and seemed to insist that a "*new State*" could not be an *old one*; and inasmuch as Texas, being an organized government, and a State of a few years' standing, was not a "*new State*,"—she could not, therefore, be admitted. When I heard the learned Senator raise this objection as a reason for denying the constitutional power of Congress in this respect, I felt reassured that a great dearth of material for argument prevailed with him. The word *new* is a relative term. The farmer leaves his farm scarcely cleared of the forest trees, and enters upon one which has been long in a state of cultivation, and designates the latter as his *new* farm. The merchant changes his store or his dwelling, the mechanic his shop, and the lawyer his office—and each in his turn speaks of his *new* tenement or location. This is the popular and every-day meaning which is given to this word, in all the relations of life; and we have already seen, upon acknowledged authority, that such meaning is to be given to the words of a constitution. And every additional member admitted to the Union is a *new State* in its relations,

* MR. HUNTINGTON.

whether it has before held political existence or not: new to the Union—new in its relative existence.

The same Senator insisted that if Texas should be admitted, she could not have a representation in the Senate until the expiration of nine years; the fundamental law having provided that no person shall be elected a Senator who has not been for that period a citizen of the United States. This objection, if valid, would form no argument against the proposed admission, and would only affect her representation. It will be seen, however, that such a construction would at once expel the Senators from Arkansas from their seats, and from any other State formed from our own territories, which has not been for that term one of the *United States*. The argument is entirely artificial and technical—has probably never been thought of before, much less gravely urged upon the floor of the Senate. The same construction would have deprived every State in the Union of a representation in the Senate for nine years from its admission. The clause in question, as well as that which relates to citizenship, applies only to the citizens and subjects of other Governments *as such*, who shall renounce their former allegiance, and declare their intentions to become citizens of the United States. But I can barely allude, in proceeding, to the almost Protean forms opposition to this power to admit new States has assumed in debate.

The honorable and learned Committee upon Foreign Relations admit that the power exists, and may be exerted by the treaty-making authority; but deny that it can be by Congress, until the territory should first be acquired by treaty. Others seem to admit that *territory* may be acquired by treaty, but that it cannot bring with it population. Others still have maintained that *large* sections, or territories, cannot be obtained even by treaty; but that small sections may be, for the purpose of rounding out corners or making lines of demarcation more to suit the interest or convenience of the *respective* governments; though they have not attempted to *describe* how many acres these fractional sections may contain; *nor* whether the Constitution intended to admit them in square, *round*, triangular, or oblong form; and others deny that any *territory* can be acquired under any power whatever given by the Constitution. Time will not enable me to notice these

objections in detail; and I shall therefore refer all who deny the power to admit either territory or population, to the learned committee, for their answer as to the existence of the power; and for that purpose, beg leave to turn for a moment to the report of the learned chairman.*

In speaking of the power given by the Constitution to admit new States, the report says :

"The committee, or a majority, (and when the designation is employed, it is desired that it may be regarded as importing only a majority,) entertained the undoubting opinion that, not on what have received the denomination of latitudinous or liberal principles of construction of the Constitution only, but in conformity with the strictest, the power in question is clearly to be derived."

And in discussing the power to admit both territory and population, it adds :

"May, then, a foreign population be introduced in mass into the political community of the Union? Is there a power to do this? Population, in the transfers of political subjection, follows, according to the usages of nations, the condition of the territory to which it is attached. The modes of transfer may vary. Conquest may dispose: Cession. Whatever the mode, however, the law applies, the population goes along and is embraced in the condition. If territory may be received, then so may population, its concomitant and adjunct. The committee find no room, therefore, for distinction as regards population or territory, in reference to the question of the power of the Government to introduce them into the Union."

The report, then, having fully conceded the existence of the power to admit both territory and population, it is only necessary for me to discuss with the committee which particular department of the government is authorized to exert it—they insisting that it rests exclusively in the treaty-making power, while I contend, with others, that it is clearly vested in Congress, though I admit it may be exerted by either. In maintaining for Congress this power, I would refer again to the plain letter of the Constitution, and from thence to a very able speech delivered at the last session of Congress by the

* MR. ARCHER.

honorable chairman upon the treaty for the annexation of Texas—a speech in which that learned Senator fully, ably, and truly maintained that this power was given to Congress by the Constitution, and passed a just and forcible commentary upon constitutional construction :

“He admitted, then, a power in our government to acquire foreign territory—whether original or induced, it did not matter to inquire. The power, as it had been most beneficially exerted, admitted of resort again, if exigency should demand, as in the case of Louisiana, or advantage persuade, as in that of the two Floridas. He went still farther. He recognized the authority to admit foreign States into the Confederacy. He knew the grounds on which this proposition had been denied, denounced, and made the subject of apprehension. This did not hinder his recognition of it. The phrase in the Constitution was of the largest character: ‘Congress shall have power to admit new States into the Union.’ Where shall sanction be found for limitation on the operation of language of this generality and comprehensiveness? Not in the circumstances of the case. We were in juxtaposition with provinces of which our fathers of the Revolution had certainly contemplated the introduction into their Confederacy as not improbable, inasmuch as they had extended invitation to it. A deputation had been sent to Canada, during the war of the Revolution, to press this invitation. Suppose concert in a common policy of States, on our continent, as the counterpoise and safeguard against a foreign continental policy—of the principles of our forms of political institution, imperilled in conflict, or by the policy of adverse forms—should demand the incorporation of contiguous American States, for more imposing aspect, more effective action, more indisputable security: were we to be regarded as precluded, could the framers of the Constitution, those far-seeing friends of country and freedom, have designed to preclude us from this great resource of power and instrument of safety? Did it involve no undue and unworthy imputation on their renowned political sagacity and unparalleled circumspection to make such a disposal?

* * * * *

“He had no hesitation upon this point on the mere language of the Constitution. He repudiated this practice, perpetual in its employment here, of going behind the language of the Constitution, when that was plain, to contemporaneous history and labored expositions derived from the opinions of individuals. Where ambiguity was not admitted and patent, the language ought to stand as the sole exponent. But how raise an ambiguity on language so explicit? ‘Congress shall have power to admit new States into the Union.’”

In justice to the distinguished author of both the report and of the speech, (MR. ARCHER,) I should say that the honorable Senator has frankly declared upon the floor that he had entertained the opinion given in the above extract of his speech until recently; but upon more perfect examination during the present session, has been convinced he was in error, and arrived at the conclusion specified in the report. I cite the opinions of the speech against the report not for any personal reason, but as a fair and legitimate argument; and I would inquire, in all kindness, which is entitled to the highest consideration, the doctrines of the *speech*, which are the results produced by the experience of a life devoted to the public service; or those of the *report*, which were the offspring of a few weeks' reflection?

“Under which king, Bezonian?”

Which was to serve as a lamp to light the steps of the inquiring statesman in after times along the straight and narrow pathway of the Constitution, which leads to happiness and safety? And which will the honorable Senator himself recognize as the legitimate, and which the spurious issue?

The argument that Congress might abuse the power, is an argument against confiding it to that department of the Government, and not to the existence of the power. If the three branches may violate their trusts openly, may not two of the same abuse theirs secretly? If pernicious consequences flow from annexing territory by act of Congress, will it mitigate the evils to admit, upon like conditions, by treaty stipulations?

If one State is improvidently admitted by Congress, may not another be, by treaty? If it is urged that Congress may jeopard the best interests of the Union by the indiscreet exercise of this power, it may be answered, that, by a like exercise of the power to declare war against the world, which is undisputed, our national existence may be blotted out. Nor can any argument be raised against the exercise of this power by Congress which is not applicable to every other one conferred by the Constitution. The power to admit new States by act of Congress is expressed—the power to admit by treaty rests in implication. Congress proceeds in its action openly, in the face of day, and has the benefits of popular

sanction or dissent in its progress; treaties are negotiated in secret, through the occult process of diplomacy. Admission by Congress requires the assent of the President, Senate, and House of Representatives; admission by treaty dispenses with the voice of the popular branch altogether.

Before finally dismissing this branch of the subject, I would refer to the report of the Committee on Foreign Relations again, for a moment, for the purpose of acknowledging the high satisfaction it affords me to be able to concur entirely, as I do, in the opinions expressed in that part of the report to which I am about to call attention. It is this: The committee, in discussing the treaty-making power, and commenting with approbation upon the strict construction recommended by Mr. Jefferson, define the character and office of this power as follows:

"The treaty-making power, under this construction, can never be any other than subsidiary—is never a power independent in its vocation, however it is so in its name and in its structure. It is the handmaid—waits on the occasions of the other powers: and though in no posture to receive orders from them, it never yet moves to its exertion save in subordination to their desires."

This is all I have contended for, although I have not been able to furnish as apt an illustration as has the honorable committee. I have no doubt in this case that the treaty-making power—the *handmaid*—would patiently wait on the occasion of Congress, her mistress; and should her services be required, "*move to her exertion*," in subordination to the desires of her superior. But Congress, the mistress, has elected to discharge this high duty *herself*; and therefore has, at present, no *occasion* to call upon her handmaid to exercise her *vocation*.

The domestic institution of slavery, which exists in Texas, has been strongly urged both here and elsewhere, as an insuperable objection to admitting that country to the Union. Upon that institution, in the abstract, I will not now comment. I could not say little without saying much; and as the subject is in no legitimate respect under discussion, I have listened with extreme regret to remarks which have been made upon both sides of the Senate. I need not say, I trust,

were it either proper or necessary, what are my opinions in regard to it, formed, as they have been, as well from habit and education, as from much examination and reflection. If the annexation of Texas would create or give an institution of that character to either country which it did not possess before, or render its burdens greater, or increase the number of those deprived of freedom; or if its duration would be prolonged by the proposed connection; then might such objections be urged with great propriety and force. But it is scarcely pretended that either of these consequences would flow from the proposed union, and all who would look the question fully in the face would see that they could not.

The admission of Texas to the Union would, doubtless, increase the number of slaves *there*; but it would take them from the northerly slave States, until slavery would virtually abolish itself in those States, as it has already done in Delaware; and the slave would find a climate more congenial to his nature in a more southern latitude. And should he ever regain his freedom, he would see, upon his southern border, a mixed race of men, who would hail him as a brother, and extend to him the hand of political and social equality, which can never be done here. The question of slavery has been placed beyond the reach of Federal legislation by the compromises of the Constitution; and the attempt, on the part of Congress, to mitigate its evils to any considerable extent, will be as vain as to prescribe periods for the flight of migratory birds, or to establish by law boundaries to protect the tropical insects from the frosts of winter.

Although under the influence and within the control of State legislation, its abolition or duration depends more upon other causes than even upon this; as has been said by the Senator from Pennsylvania,* who made allusion to a speech of that extraordinary man, Randolph, of Roanoke; from which I will give a brief extract. Mr. Randolph said:

"The disease will run its course—it has run its course in the northern States; it is beginning to run its course in Maryland. The natural death of slavery is the unprofitableness of its most expensive labor. It is also beginning in the meadow and grain country of Virginia. Among those

* MR. BUCHANAN.

people, then, who have no staple that can pay for slave labor, especially among those who have none or very few slaves, these are the strenuous advocates of all these principles—in Virginia most of them of the best intentions—all of them mistaken. The moment the labor of the slave ceases to be profitable to the master, or very soon after it has reached that stage, if the slave will not run away from the master, the master WILL run away from the slave; and this is the history of the passage from slavery to freedom of the villinage of England."

Allow me to inquire, for a moment, while we are so loud and emphatic in the denunciation of this institution, and are urging it as a reason of all others why Texas should not be admitted to the Union, what answer we should return to this sister Republic, if, after passing these resolutions and transmitting them to her government for approval or rejection, we should be advised by her constituted authorities that all the stipulations, terms, conditions, and guaranties were agreeable, but one insurmountable objection existed to her acceptance. That she learns we hold in perpetual bondage a dark race of men, and subsist upon their toil, and that this injustice is tolerated by our Constitution and our laws. Should we not indignantly throw back the taunt that the same charge lay at her own door; and, while we are deploring that a mote should obscure her vision, may she not point us to the beam that obstructs our own?

Great Britain has added her sympathizing voice, and, in a spirit of philanthropy peculiar to herself, condemns an institution which she planted upon our shores in the days of our colonial dependence, so deeply and securely that even the blood of the Revolution could not exterminate it. Having abolished her domestic slavery when, and not before, it became unprofitable, upon her all-absorbing, all-controlling principle of pounds, shillings and pence, her sensibility is now extending itself to the oppressed of other lands than her own. But has she not learned that African slavery is but a single verse in the wide and ample page of human wrongs? Has she looked at her own suffering, starving and dying poor? Has she seen the thousand gentle beings who are annually crushed beneath a system which robs labor of its reward and industry of its bread? Has she visited the abodes of her own metropolitan wretchedness, and rescued the young who are breathing a

malaria which intoxicates and destroys the soul? Has she contemplated the vast oceans of blood which her thirst for dominion over man has caused to flow; or dried up the tears, or soothed the anguish she has created? Or, has her genius of philanthropy bid adieu to her own proud shores, and found its peculiar mission in weeping over the dusky child of labor, bearing his task upon the fertile and genial plains of Texas?

I look forward, in imagination, to that happy moment when, in God's good time and pleasure, every human wrong shall be redressed—when this cup of tears and anguish shall pass—when the fetters shall fall from the limbs of every creature bearing the impress of his Maker, and all shall sit together under the wide-spread branches of the tree of liberty, protected by its shelter, and subsisting upon its fruits.

Great Britain, too, has modestly advised that it would be both unjust and unwise to extend our territory. When, let me ask, did *she* ever omit to take possession of any section, island, continent, or country, which she had power to obtain, and which was worth having or preserving? It has been triumphantly and truly said, that her drum-beat encircles the world, and that the sunshine never ceases to light up some portion of her dominions; and if she continues to extend her territories on this continent, it may soon be said that not only her drum-beat, but her bristling bayonets encircled the United States, upon American soil. Adopting the same argument, the same notes of alarm have been sounded by those upon the other side who have joined in this debate. A territory which was formerly our own; which every administration since 1819 has endeavored to recover for the advantages it would confer; which is peopled by our children, and our brethren—is now regarded as the Grecian horse, bearing not only bands of armed men, bent on the stern and bloody errand of war and devastation, but every ill to which frail humanity is heir.

While the Christian is looking with an eye of faith beyond the clouds and darkness of the moment, and awaiting the ushering in of that period when the strifes and agitations of the world shall be hushed in brotherly peace—to the time when the weapons of war shall be moulded to implements of husbandry, and nations learn war no more,—this bright period of moral existence, foretold by inspiration, is obscured by prophecies of

more modern times, and postponed to give place to this especial war, overlooked by the prophets, which is to follow in rapid succession the annexation of Texas. The wide-extended and fruitful fields of our favored land, yet green with spring, are to be strewn with the dead bodies of our sons; temples are to be destroyed, altars profaned, institutions abolished, and the ministers of the law are to give place to the torch, the bludgeon and the stiletto. The farmer is to leave his pursuits of peace, and engage in a war of extermination against his neighbor, because of the annexation of Texas. Man shall rise up against man, neighbor against neighbor, brother against brother, State against State, craving each other's blood, because of the annexation of Texas.

The Senator from Massachusetts,* whose eloquent voice I regret is so soon to be withdrawn from this Chamber, has depicted in glowing language the "harrowing spectacle of founten field;" and the Senator from Kentucky† unites in strains surpassing the most poetic imagery. He sees our brilliant constellation blotted from the political firmament—the charter of our freedom torn piecemeal and scattered to the winds of Heaven, and the wild spirit of anarchy rioting over all that was once the asylum of the oppressed in the western hemisphere. He invokes the genius of American liberty while yet its spirit lingers; but its form is torn and disjointed:

"Life flutters convulsed in its quivering limbs,
And its blood-streaming nostril in agony swims."

Still another and a wider range is given to these imaginary evils by the Senator from Kentucky. If the power to annex contiguous territory is established, he sees the thirst for dominion and aggrandizement bear sway, until the Celestial Empire shall form a part of this Union, and representatives from Patagonia—monsters, savages and cannibals—shall hold their horrid carnival within the walls of the Capitol. But did the Senator ever caution the Kentucky planter against enlarging his plantation to suit his interest or convenience, by advising him that an attempt to extend it to Patagonia or the Celestial Empire would be ruinous in its consequences? Or has he ta-

* MR. CHOATE.

† MR. MOREHEAD.

ken care to admonish his young friends, when about to form one of the most interesting relations in life, to avoid the fair and virtuous of the sex, lest, perchance, in the exercise of his discretion, he should propose terms of *annexation*, not to a "Patagonian," nor tiny-footed Celestial, but to a hideous Amazon or crone; or to her whose steps lead down to the chambers of death?

The Senator from Kentucky has well said there was a strong party in the early formation of our government which opposed the admission of States to the Union, beyond the original thirteen. At that time, scarcely comprehending the nature of the government they were forming, those who proposed the restriction had some apology, for they evidently supposed that if a State should be erected so far at the West that it was beyond the fostering care and superintendence of what they believed to be the "Government," it would be lost forever;—like the too fond mother, who, accustomed to watch over the infancy of her offspring, is unwilling to trust them in after years beyond the circle of her own magic influence. Experience has shown how mistaken the belief and how unjust the suspicion that Western States would be less patriotic or less ably represented than those washed by the waves of the Atlantic. The early objections to their admission are now matter of history, and are full of instruction. I will read some of the debates upon the formation of the Constitution, proceeding from the same party that proposed to limit the number of States, for the benefit of the Senator from Kentucky, and other western Senators who are unnecessarily alarmed at the admission of new States.

In the Convention which formed the Constitution, Gouverneur Morris, a distinguished member, said:

"The remarks of Mr. Mason relative to the western country had not changed his opinion on that head. *Among other objections it must be apparent they would not be able to furnish men equally enlightened to share in the administration of our common interests. The busy haunts of men, not the remote wilderness, was the proper school of political talents. If the western people get the power in their hands, they will ruin the Atlantic interests. The back members are always most averse to the best measures.*"

Mr. Gerry too said:

"He wished that the attention of the House might be turned to the

dangers apprehended from western States. He was for admitting them on liberal terms, but not for putting ourselves in their hands. They will, like all men, if they acquire power, abuse it. *They will oppress our commerce and drain our wealth into the western country."*

He further said—

"There was a rage for emigration from the eastern States to the western country, and he did not wish those left behind to be at the MERCY of the EMIGRANTS. *Besides foreigners are resorting to that country, and it is uncertain what turn things may take there."*

But the admission of Louisiana furnishes some reminiscences which ought not be lost, and with leave I will give a few specimens from the history of the times. A member of the Massachusetts Legislature declared :

"In a word, I consider Louisiana the grave of the Union."

On the bill for the admission of the territory of Orleans (Louisiana) into the Union in 1811, Josiah Quincy, jr., said, and after being called to order, *committed his remarks to writing :*

"If this bill passes, it is my deliberate opinion that it is virtually a dissolution of the Union ; that it will free the States from their moral obligation, and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation, amicably if they can, violently if they must." *

These texts are too significant to require commentary, and are worthy to be placed side by side with some of the objections of the present day.

It was not, perhaps, surprising at that early period that those who had been accustomed to look upon government as a central power, literally *ruling* the people, should fail to comprehend fully the operations of a government of opinion, by

* Toasts give, generally, the political sentiments of the time. A toast given July 4, 1805, reads as follows :

"The purchase of Louisiana—Salt mountains, mammoths, gulls, and bullfrogs ; a valuable museum for fifteen millions."

Another toast was :

"Louisiana—Of all materials, neither fit for land nor water ; may she be the receptacle of the turbulent and disaffected."

which the whole gave laws to themselves, and which was as potent for the protection of the humble cotter beyond the mountain as for him who basked in the governmental sunshine of the capital, and subsisted upon the drippings of the Treasury. Many who united in laying the broad and deep foundations of our fabric had not contemplated, in an enlarged sense, the capacity of man for self-government. They had seen the great masses as subjects, not as sovereigns—overawed by, but not wielding, power. They had been educated in the idea that the government, by alleged divine right, was the principal, and the people the agents to execute its will; and they looked not without apprehension upon a system which proposed to leave the power with the many, lest in its exercise they should endanger their own well-being and safety. In the same mistaken spirit, they desired to limit the boundary of their untried system, that too many erroneous opinions combined might not control the *enlightened few*. But there were those, also, whose patriotic vision penetrated the mist of error and delusion, under which tyranny and oppression had been for ages concealed, and who proclaimed to the world the sublime and interesting truth that all men were created equal. The great cardinal principle they sought to inculcate was equality; and the system of rational liberty which they established was designed to distribute equally the benefits and the burdens of conventional existence. They saw that mind did not weaken mind; that the many were as wise and as virtuous as the few, and that extensive territory, numerous population, and diversified interests, would add strength to the structure, and ensure its permanent duration.

The Persian kings, in their secret literature, were taught to observe the laws which governed the celestial bodies, that they might copy their example, and extend the benefits of their rule alike to all their subjects—a lesson which might be studied with profit, and its precepts practised with advantage in modern times. Even the convulsions of the elements in the natural world furnish models for instruction in the moral. The agitations of the earthquake, when local and confined, uproot towns and cities—when widely extended, they produce scarcely a momentary tremor. So the storms of human passion in circumscribed localities gather blackness and fury, and increase in awful density for a moment, but are lulled to rest by

the pacific elements they meet whenever they pass beyond their narrow boundaries.

The inhabitants of Texas are now, like ourselves, governed by opinion; would they cease to yield obedience to its stern behests, if they should be admitted to the Union? If not, what objection, which has not been thrice met and refuted, still remains? We might say of that country and people as said Lord Bacon to James, on the happy union of England and Scotland, "There be no mountains or ranges of hills; there be no seas or great rivers; there is no diversity of tongue or language that hath invited this separation or divorce." I do not advocate the annexation of Texas merely because it is desirable as a military position, nor for its vast commercial advantages; but upon broad principles of national faith and justice. Its people are entitled to admission; they are moved by the same high impulses as ourselves, and protected and controlled by the same beneficent Providence. I do not fear that their restoration, upon adjoining territory recently our own, will bring a canker to the root of our institutions; that another star in the constellation will dim its lustre; or that another pillar in the fabric of freedom will weaken its foundation.

But after all other arguments and objections fail, we are as usual pointed to the history of Rome, and told of its rise and progress, and admonished of its decline and fall; Rome, from which can be drawn material to point the constitutional argument of the statesman, or adorn the oration of the schoolboy; Rome, which, notwithstanding its many bright, individual examples, marched through violence and wrong to greatness, and fell a prey to its own triumphs—a government which was founded in murder, progressed in robbery, declined in blood, and fell in corruption—exhibiting upon its history's black and bloody page the footsteps of a people, cruel, perfidious, and revengeful, and as fierce and insatiable as the beast which nursed its founder; until, adopting the ease and indolence and sensual delights of the Eastern princes they had conquered, they fell a prey to the Goth and the Vandal, who hung over them like a vast avalanche upon their snow-clad mountains. And yet this government of the sword is compared to ours of opinion—the physical to the intellectual age; and a people

trained to the pursuits of war likened to one cultivating the arts of peace.

In conclusion I desire the Senate to turn for a moment to the peaceful retreat of the Hermitage—to the venerable patriot, who the Senator from New Hampshire,* at the close of his eloquent remarks, expressed a desire might see this, the last wish of his life and his hope, accomplished. This expression of personal regard has been made the occasion by the Senator from Louisiana,† after the bitter animosity of party spirit has turned away from following that illustrious man, and its angry elements are hushed in repose, to disturb the last remnant of a life devoted to the service of his country, by comparing him to the noxious upas, blighting and withering everything within the circle of his evil influence. Sir, the tendrils which bound him to earth have long been severed, and have ceased to bleed. There is nought that interests him but his country's welfare and his country's honor. As the eastern sky at evening throws back a holier sunlight than is shed while the orb rides in meridian splendor—so the evening of his days reflects the wisdom of a life chastened and improved by the rectifying influences of time. The partner of his earlier years has long ceased to be the companion of his age and the beguiler of his solitary hours; and when he looks upon the grave of buried affection, it is with the mournful reflection that she will not return to him, but with the Christian's consolation that he shall join her spirit above. The heart which has so long beat in unison with his country's weal, will soon be cold and passionless—the last words of counsel will soon tremble on his aged lip—and the eyes, which have “beamed in friendship or flamed in war,” be closed, and the light of life cease to relume them. Soon the exclamation which has riven so many hearts, “Earth to earth, dust to dust!” will consign to his final resting-place all that was once the hero, patriot, and statesman. And whence the voice in this great nation, that breaks upon this scene, and virtually disturbs the last mournful rites? It is from the representative of a great and patriotic State, whose commercial city, with its “booty and beauty,” was saved from the violence of a brutal and licentious soldiery, by the war-

* MR. WOODBURY.

† MR. BARROW.

worn veteran who is now so gratuitously arraigned at this bar. The discoverer of a new world was rewarded by his sovereign with chains and a dungeon, and the last of the Tribunes was stricken by the hand he had nursed into life, upon the same stand where he had preached liberty and equality to Rome. But why should the representative of a generous people, who were saved by the valor of a single arm, draw a shaft from the quiver of ingratitude upon him who rendered to them and to his country a service unsurpassed in military annals?

SPEECH

ON THE OREGON QUESTION.

DELIVERED IN THE SENATE OF THE UNITED STATES, February 24, 1846.

[The question of title, historically and legally discussed. The subject was before the Senate upon the Joint Resolutions and amendments thereto, to terminate the joint occupancy, by giving to Great Britain the one year's notice provided for by the Convention between the two governments.]

MR. PRESIDENT—The question which I am now about to discuss, in some of its most interesting and important relations, is one which deeply concerns the well-being of our political and social system. Though apparently confined to the possession of an extensive region of country on our western border, it invades the high principles of national right and honor, and therefore spreads far beyond, and rises far above all physical considerations. To understand it adequately in all its bearings, and enable ourselves to judge of it dispassionately according to its great merits, it is necessary that we should go back to the time of its discovery, and learn something of the action, motives and intentions of those connected with its earliest history.

Towards the close of the fifteenth century, the Portuguese were engaged in examining the coast of Africa in a southerly and easterly direction, in the hope of finding a passage to the Indian Ocean, in which they were stimulated by the bull of Pope Nicholas V., assigning to them the rights of conquest, sovereignty, and trade, exclusively, in Pagan lands which they might discover in that direction; and after the return of Columbus from his first voyage, the united sovereigns of Spain obtained a like authority, from Pope Alexander VI., for all lands and seas which they might discover in the west, not before discovered or occupied by a Christian prince or people. Under

this extraordinary, but at that time recognized authority, the Sovereigns of Spain and the king of Portugal—two of the greatest maritime Powers of Europe—framed what they were pleased to call the “partition of the ocean,” by drawing a line three hundred and seventy leagues west of the Cape De Verd islands; and assigned all that portion of the globe east of it to Portugal, and that west of it to Spain, as their respective fields of exploration. The success of Columbus lent to Spain an extraordinary stimulus, which sought its development in geographical discovery, territorial acquisition, and the promotion of physical science, and even in indulging a morbid superstition in the prosecution of its idle vagaries. In 1512, Ponce de Leon, a Spaniard of birth and fortune, in three vessels, fitted out at his own expense, while cruising among the newly-discovered islands, seeking for that spring so long desired by the Orientals, which was to endue with perpetual youth all who bathed in its waters, discovered Florida. Balboa, governor of Santa Maria, a Spanish colony near Darien, whilst searching for an ocean in the west, whose shores he believed to be paved with gold, after much suffering, privation and endurance, discovered the Pacific, and, entering into its waters, proclaimed, with outstretched sword, that he took possession in the name of his king and master.

In 1520, Magellan, a Portuguese in the service of Spain, discovered the straits bearing his name, through which he sailed into the ocean discovered by Balboa, and which he named the Pacific, in commemoration of its placid surface and genial atmosphere. About this time, Mexico, which was discovered in 1518, was conquered; and Spain became the wealthiest nation of Europe, and prosecuted for a time her discoveries, explorations, and conquests, particularly upon the western coast of North America. From the time of the discovery of this ocean up to 1810, I have collected from all the sources within my reach a connected history of the title to the Oregon territory. It would, however, occupy more time than I have allotted to myself on this occasion to go through that history in detail; and I have great pleasure in passing over it, since the able and excellent commentary on that branch of the subject by my colleague.* I will, therefore, content myself with little more than

* MR. DIX.

a mere allusion to a few historical facts, not for the purpose of tracing the history, but of presenting the points from which my deductions will be drawn. To all who are kind enough to listen to my remarks, or who may honor me by reading any report of them, I would say that I shall relieve them of all inferences as to conclusions; and, therefore, when speaking of Oregon, I desire to be understood as speaking of that region of country bordering on the Pacific, bounded on the south by latitude 42°, and on the north by 54° 40'. I intend to show clearly what are the rights of the respective parties; and not believing that any Christian nation, much less England, would go to war for even a profitable *wrong*, and not proposing to give up a *right* if she would, I shall discuss the question with the same freedom as though it were the custom of nations to resort to a court of justice for their *ultima ratio*, instead of the field of battle.

Territory may be acquired by a nation in various ways, and, among others, by treaty, by conquest, by discovery, or by contiguity. Treaty and conquest explain themselves. Discovery, in its general sense, is described as follows, in a treatise on international law, by Marten, Professor of Law in the University of Gottingen:

“From the moment a nation has taken possession of a territory in right of first occupier, and with the design to establish themselves there for the future, they become the absolute and sole proprietors of it, and all that it contains; and have a right to exclude all other nations from it, to use it, and dispose of it as they think proper; provided, however, that they do not, in anywise, encroach on the rights of other nations. The case is but little different, strictly speaking, when, in right of legitimate conquest, a nation seizes on a territory which is ceded to it at the peace.”

It is a general principle that the discovery of the leading geographical features of a territory is a discovery of the whole. The discovery of a river, either of its mouth or headwaters, is a discovery, not of the river merely, but of the territory drained by it; and if the territory have natural or political boundaries, the discovery embraces the entire region limited by them. In this case the political boundaries of the territory being defined, no question can arise on that point; and we have therefore only to address ourselves to the question of the title to the particu-

lar section of country. *Contiguity may come in aid of discovery; and when the discovered territory is contiguous to the possessions of those making it, the title is thereby strengthened, and discovery of an inferior character will be sufficient. Even contiguity will carry a title without discovery, if the possession of the territory be necessary to the interest and convenience of the adjacent power, and no other power will be permitted to take possession. Under these general rules, the law of nations—a code which experience has suggested, and religion, morality, and civilization have approved, assigns the territory to the government which shall discover it, as the reward of its enterprise. Nor does a subsequent, more perfect, and minute discovery supersede the first. The first discovery, although it may not be minute and complete—although it may not ascertain all the geographical features of the country—yet, if it have ascertained the leading features, then it is a discovery of the country, and carries with it all the advantages of a perfect discovery. Though occupation should follow, it need not immediately succeed discovery. But there must be an intent to follow up the discovery by occupation. It is a question of intent—of good faith. And that question must be settled by an examination of the motives and intentions of the party, as far as they can be ascertained; and hence the allusion to the circumstances which preceded the discovery of this territory. It is not contended that the Papal authority conferred any title. But it was at that time, and with that people, recognized as authority—as the highest authority in Europe; and therefore shows that in discovering, exploring, and taking possession, they believed they had title, and intended to occupy; and although it is no title of itself, it comes in aid of, and fortifies the title by discovery—shows that the discovery was not accidental, but that every movement relating to it was the positive and efficient act of sovereignty. In no instance from the period when the Spanish first landed on its shores—from the first expedition authorized by the government—was there an act except under its authority and sanction. As early as 1543, the exploration of the coast was commenced with the view of exercising sovereignty over the territory. The first large expedition which they planned was in 1540; but by reason of a mutiny in the Mexican provinces, it failed. The next was in 1543, by Ferrelo, who explored as far north as 43°. The

next was by Juan de Fuca, who discovered the straits which now bear his name, in 1592. As this voyage and this discovery have been questioned, I will produce an authority which I trust will not be disputed by any who advocate the British title on this or the other side of the water. The authority to which I refer is the *London Quarterly Review* for 1816. In speaking of this territory, and of the voyage of De Fuca, the reviewer remarks as follows :

“ His real name was Apostolos Valerianus. The story told to Mr. Michael Lok, consul for the Turkey merchants at Aleppo, was a plain and no doubt a true one—that he was plundered in a Manilla ship off Cape California by one Candish, (Cavendish, who states his having found a *Greek* pilot in one of the ships he plundered,) an Englishman ; that he was afterwards sent by the Viceroy of Mexico to discover the Strait of Aman, but owing to a mutiny in the squadron, he returned ; that in 1599 he was again sent on this discovery ; that he entered a strait between 47° and 48° of latitude, and sailed above twenty days in a broad sea ; and that, opposed by savages clothed in skins, he returned to Acapulco. The late Bishop of Salisbury, rather indiscreetly, has pronounced this story of De Fuca ‘ the fabric of imposture ; ’ for the ink was scarcely dry which transmitted to posterity this hasty opinion, when the strait and the savages were recognized by Meares and others in the very spot pointed out by the old Greek pilot, to whom modern geographers have rendered tardy justice, by assigning to the strait he discovered the name of *Juan de Fuca*.”

This is a high if not a conclusive authority, published in London thirty years ago, under the eye of the British Ministry, where it would have been corrected, doubtless, if erroneous ; for in all that relates to her foreign policy Great Britain has no divisions.

Next was the expedition of Viscaino, in 1603. He explored as far as 43°, and then sailed for Madrid, for the purpose of obtaining liberty to return and establish settlements and garrisons upon the territory. He obtained this authority and returned, having been promised by Spain means to sustain the settlements which he should make, and died in 1608, as he was about entering upon his enterprise. From about this time, however, Spain, for nearly a century and a half, suspended the further prosecution of her explorations and discoveries. She was then torn by

intestine broils and cabinet intrigues, and was at war, at times, with almost every nation of Europe. But after the peace of 1763 her energies revived, and she resumed the exploration of the coast; and for the purpose of doing so with greater vigor, and extending her settlements, a distinct department, called the Marine Department of San Blas, was established in Mexico, which was especially charged with discovering, exploring, and taking possession of this territory on the northwest coast, showing her continued determination to maintain her position, which had not been changed there from 1603 to 1774, no other Power having set up any claim or made any pretension whatever to any portion thereof. At this time Perez undertook his voyage, charged to proceed as far as 60° , and to explore the coast. He reached as far as 54° , and anchored in the bay afterwards ascertained to be Nootka.

In 1775, Heceta and Quadra were directed to the 60th parallel, and thence to explore southerly and take possession. Heceta made land at 50° , and returning discovered, but could not enter, the Columbia. Quadra reached 56° , and returning explored between 45° and 42° . In 1787, Martinez was sent to ascertain the character of some Russian settlements which were forming near Prince William's Sound, at about 60° , which Spain seems to have considered her limits. He returned and reported that such settlements were encroachments upon the Spanish territory; and it was made the subject of remonstrance by Spain to the Empress of Russia, who returned for answer that she had directed her subjects not to encroach upon any part of "Spanish America;" proving that that great Power, holding adjoining territory, recognized this as the possession of Spain. Martinez learned that two Russian ships were fitting out, and, as he understood, destined for Nootka, and hence his voyage to Nootka, under the orders of his Government, to take absolute possession, and establish a settlement, and erect a fortification, which he did; and while there for this purpose, he seized and condemned the vessels of Meares, which difficulty led to the Nootka convention. About this time the Columbia, commanded by Captain Gray, of Boston, on a trading voyage in the Pacific, was permitted to refit in the island of Juan Fernandez; and the Spanish officer in charge of the island was cashiered because he did not seize her and her crew for trad-

ing where Spain claimed the exclusive right—proving the jealousy with which Spain regarded any encroachments upon that which she claimed before the world as her lawful possession. Nor had any other Power at that time pretended to claim or exercise any jurisdiction whatever upon this territory.

Spain had taken possession of the whole coast, and had exercised every act of sovereignty which she was capable of exercising over a savage region. Her officers had erected crosses, performed masses, and declared in the name of the sovereign that they took possession; and if they did not execute a complete chart of the coast and territory, all the leading features were defined and had been named by the directions of the Spanish government, who, believing that it was improper to bestow the names of persons upon localities, had almost exhausted the names of the saints in her calendar. In 1800 she held Louisiana, and this whole territory was contiguous to her Louisiana, Mexico, and California possessions. This, then, was the title of Spain in 1800: having discovered every leading geographical feature in the country—having explored it—proclaimed her sovereignty over it—expelled others from it, and having placed herself in a position before the world as its Governor by the exercise of every possible act of sovereignty short of actual occupation, which at that day was impracticable. In 1800, Spain transferred Louisiana to France with undefined western boundaries, and thus rested the Spanish title at that time.

The claim of our government is as follows:

In 1788, Gray and Kendrick, of Boston, under sea letters from Congress, went upon a trading voyage to the Pacific. Gray discovered the Columbia, but could not enter it. Both entered and sailed in the Straits of Fuca, wintered in Nootka, and spent the following summer there and along the neighboring coast. In 1792 Captain Gray returned in the ship *Columbia*, and sailed up the Columbia River twenty miles—naming it after his ship. In 1803 France transferred to our government Louisiana, with undefined westerly boundaries, as she had received it from Spain; under which transfer, as well as the discovery of the Columbia by Captain Gray, this territory was claimed; and Mr. Jefferson, under the authority of Congress in 1805, sent a company of about fifty men, under Cap-

tains Lewis and Clarke, to explore and take possession. In 1805 Lewis and Clarke entered upon this expedition. They reached the mouth of the Columbia in the autumn of 1805, erected a building there, which they named Fort Clatsop; remained there during the winter, and thence, tracing the river upwards, crossed the mountains, and returned to the States. In 1808, Mr. Henry, agent of the Missouri Fur Company, erected trading establishments upon the Lewis River; and in 1810, Mr. Astor, at the head of the Pacific Fur Company, erected Astoria, near the mouth of the Columbia. This was taken by the British in 1813, during the last war, and was restored under the treaty of Ghent in 1818; in 1819, Spain, insisting that the Oregon territory was not transferred to France with Louisiana, assigned us any rights she might have there above 42°. This presents the American claim, our government having fixed the dividing line on the north with Russia, at 54° 40'.

Great Britain, for discovery, relies upon the voyage of Sir Francis Drake, who visited the Pacific in 1578; the voyage of the great circumnavigator, Captain Cook, in 1778, who touched at Cape Flattery, near the Straits of Fuca, and anchored in Nootka; that of Meares in 1778, who sent a boat into the Straits of Fuca, but did not enter; that of Vancouver in 1792; and the discovery of the headwaters of Frazer's river by Mackenzie in 1793. So far as she bases her claim on the more perfect discoveries of her navigators, it may be worthy of remark that this could not apply to John Meares, who figures so largely in the history of her pretensions. That ubiquitous personage was at Nootka a land speculator and dealer in furs; at sea, a Portuguese captain, and a smuggler; in London, a lieutenant of the British navy; and, as to his extreme accuracy, he cruised along the northwest coast, where the Columbia enters the ocean by a mouth seven miles wide, and declared that there was no such river as the Spaniards pretended there. He prided himself greatly in exploding their discovery of a river there, which they called the St. Roque; and, to signalize his geographical triumph, he named the bay "Deception," and one of the capes at the mouth of the river, opposite to Astoria, "Disappointment." Vancouver, it is true, did make a more accurate examination of the coast; but he did it after that coast had been

previously surveyed, and with the charts of Perez and Gray in his hand. Yet he, too, declared that Gray was mistaken; that there was no river there, nor stream of any kind, unless it might be a brook. But Gray and Heceta had both discovered the river, and Gray, a few days after, went again to the spot, entered the river, and sailed up its main channel for some miles, staying there eight or ten days. How, then, could it with truth be said that Vancouver's explorations, though later, were more perfect than those of the Americans and Spaniards? Much stress is laid upon the discovery of Frazer's River by Mackenzie; but he had no authority from his government, was a straggling Indian trader, and accidentally struck its headwaters, and, after tracing it upwards of two hundred miles, left it, reached the Pacific far north of it, being at no time south of 52° ; and the point of coast where he reached the Pacific, as well as the region at the mouth of the river, had been discovered long before, though that particular river might not have been seen. She admits the priority of the Spanish discoveries, but insists that her own were more perfect; but a more perfect examination and survey of what was already known gave her no title as a discoverer. I will take up these British discoveries, and examine them in order.

The voyages of Cook and Vancouver alone were made by order of the British government, but they were both undertaken for other objects than discovery. As to the rest, they were the voyages of mere cruisers, and their discoveries, if any, were purely accidental. Drake was a sea-robber, a buccaneer, cruising not only against the Spanish possessions and settlements, but against the commerce of the world. Yet such was the morality of the Court of Elizabeth, that she tolerated a pirate and homicide like Drake, because his deeds were supposed to be of advantage to the realm. But as no reliance is placed by the British government on the alleged discoveries of Drake, I will pass them by.

The next was that of Captain Cook; but he was not employed on a duty of that kind. In proof of this I refer to the occasion of his voyage, and to his specific instructions. In 1745 the Parliament of Great Britain offered a reward of £20,000 sterling to the discoverer of a northwest passage through Hudson's Bay. And in 1776 it made a like offer of

£20,000 in addition, to any one who should discover an opening through the continent from the Atlantic to the Pacific, above the latitude of 52° . To make the discovery of this latter passage was the avowed object of Cook's voyage. What was the language of his instructions from his government?

"With the consent of the natives, to take possession in the name of the king of Great Britain, of convenient situations in such countries as he might discover, that had not been already *discovered or visited* by any other European Power, and to distribute among the inhabitants such things as will remain as traces of his having been there; but, if he should find the countries so discovered to be *uninhabited*, he was to take possession of them for his sovereign, by setting up proper marks and inscriptions, as first discoverers and possessors."

The discoveries of the Spaniards were well known in England, and openly published, before Cook left the British shores, as will be seen by the following, which is from the *London Annual Register* of June 1776; and had express reference to the Spanish discoveries on the northwest coast, where Cook afterwards went:

"Several Spanish frigates having been sent from Acapulco to make discoveries, and to propagate the gospel among the Indians, to the north of California, in the month of July, 1744, they navigated as high up on the coast as the latitude of $58^{\circ} 20'$ — 60° above Cape Blanco. Having discovered several good harbors and navigable rivers upon the west coast of this great continent, they established, in one of the largest ports, a garrison, and called the port Presidio de San Carlos; and besides, left a mission at every port where the inhabitants were to be found. The Indians they here met with are said to be a very docile sort of people, agreeable in their countenance, honest in their traffic, and neat in their dress; but, at the same time, idolaters to the greatest degree, having never before had any intercourse with Europeans. M. Bucarelli, the viceroy of New Spain, has received his Catholic Majesty's thanks for these discoveries, as they were made under his direction; and the several navy officers upon that voyage have been preferred. It is imagined that these new discoveries will be very advantageous, as the coast abounds with whales, as also a fish equal to the Newfoundland cod, known in Spain by the name of Baccalao."

I will also read an extract from the *London Quarterly*

Review of 1822, showing the priority of Spanish discoveries, and admitting that Great Britain had no territorial rights :

"The Spaniards visited the northern parts of the coast in 1774, when Don Juan Perez, in the corvette Santiago, traced it from latitude $53^{\circ} 53'$ to a promontory in latitude 55° , to which he gave the name of Santa Margarita, being the northwest extremity of Queen Charlotte's Island of our charts; and, on his return, touched at Nootka, about which we were once on the point of going to war. In the following year, the Santiago and Felicidad, under the orders of Don Juan Bruno Heceta, and Don Juan de la Bodega y Quadra, proceeded along the northwest coast, and descried, in latitude $56^{\circ} 8'$, high mountains covered with snow, which they named Jacinto; and also a lofty cape in latitude $57^{\circ} 2'$, to which they gave the name of Engano. Holding a northerly course, they reached latitude $57^{\circ} 58'$, and then returned.

"Three years after these Spanish voyages, Cook reconnoitred this coast more closely, and proceeded as high up as the Icy Cape; it was subsequently visited by several English ships for the purposes of trade; and though every portion of it was explored with the greatest accuracy by that most excellent and persevering navigator, Vancouver, as far as the head of Cook's Inlet, in latitude $61^{\circ} 15'$; yet, on the ground of priority of discovery, it is sufficiently clear that England has no claim to territorial possession."—*London Quarterly Review*.

The voyage of Vancouver was for the purpose of receiving, as the agent of the British government, the property of Meares, which he alleged had been taken from him at Nootka—the return of which was stipulated in the Nootka convention. He was authorized to explore and survey, for the purpose of furnishing correct charts; but it was well known to the British government that the whole region had long been previously *discovered*, and he was charged with no such enterprise.

While Great Britain now holds that the discoveries of Spain were not enough to give her a title to any part of the country, she thinks that the landing at Nootka by a Portuguese captain, the discovery of the headwaters of a small stream by an Indian trader, and the erection of a miserable hut wherein to dry skins, were all-sufficient to give *her* title to a country three times as large as England, at six thousand miles' distance; though the territory lay immediately contiguous to the Spanish possessions, and was discovered throughout and taken possession of by authorized officers of that

government. Great Britain had practised on this principle always; but she cannot show as good a title to any part of her vast dominions (unless, perhaps, to England itself) as we show to the whole northwest coast of North America. Her charters to her colonies "from sea to sea" were as valueless in the eyes of a Papist as the Pope's charter to Spain would be in the eyes of a Protestant. Neither conveyed any valid title unless followed up by discovery, by intent of settlement, by acts of sovereignty, and by actual occupation. The French first discovered the Ohio, but the British claimed it, went to war for it, and held it because it lay between certain parallels and was covered by her charter. Captain Cook discovered Australia, a country larger than all Europe, and took possession of it by erecting a pole and breaking a bottle, and Great Britain holds it under that title to this day.

Oregon is homogeneous—is one region. The country is drained almost entirely by the Columbia and its confluent. This river is its principal geographical feature, and a discovery of both its mouth and its head-waters—of the whole coast, and its principal bays, harbors, capes, and islands, by Spain and by the United States, was a discovery of the whole. Besides, it was followed by all the possession and occupation of which such a country was susceptible, and by resolute acts of sovereignty. This, I insist, gave a complete title by discovery to the whole, against Great Britain and the world, under the most rigid construction of the rule.

But it is idle to discuss the mere question of title; for it is evident Great Britain does not claim on that ground. Her able plenipotentiary has evidently attempted to draw attention from the true points, by arraying the American and Spanish titles against each other, for the purpose of defeating both. However ingenious this process, it will not bear examination. There cannot, it is apparent, be two good titles to the whole of the same territory; but each may be good to a portion; and if both parties hold the links of the entire chain, each holding a portion, when united it will be complete. Or, if one title be good and the other worthless, the perfect will not be destroyed if blended with the spurious. Great Britain and the United States both assert claims. If she had ours, although hostile to hers, she would doubtless assert, as she would

have, a good title to the whole against the world, A nation may as well procure outstanding titles to territory, and rely upon them, as a landlord the lease of his tenant, the remainder man the life estate, or the tenant in common the right of his co-tenant.

By the following statement of Messrs. Huskisson and Addington, British commissioners in the negotiations of 1826, it will be seen that they did not rely upon discovery, but upon the Nootka convention. They say:

“Whatever that title may have been, however, either on the part of Great Britain or on the part of Spain, prior to the convention of 1790, it was from thenceforward no longer to be traced in vague narratives of discoveries, several of them admitted to be apocryphal, but in the text and stipulations of that convention itself.”

That is, whatever the title of England may have been prior to the Nootka convention in 1790, after that instrument her claims were no longer vague and uncertain, but were all embodied in that treaty. The British rights in Oregon were fixed by the convention of Nootka. If we would know exactly what they were, we must go there to find them. If she has no title by that treaty, she has none at all. Spain lost no rights in 1790, and the British gained none, unless by the stipulations of that treaty. Now we hold that that convention was abrogated and abolished by the war of 1796. England denies this, but considering it not free from doubt, asserts that if the convention was abrogated by the war, still it revived again in 1814 by a convention reviving all former commercial treaties. But I insist that by her own doctrine war destroys such a treaty; for she held that her treaty with us as to fishing and settlement on the coast of Labrador was defeated by our war with her in 1812. If the principle was good as to the Labrador treaty, it is equally good as to the Nootka sound treaty. We deny that the treaty revived in 1814, because the treaty of alleged revival was one referring to Spain proper, and not applying to her colonies. But if it was revived in 1814, what followed? Spain transferred all her title to Louisiana to France in 1800. France claimed that Louisiana embraced everything to the ocean, including the northwest coast; and she made her treaty, believing that thereby she

transferred the whole northwest coast to us; and we claimed that such was the fact—that the cession of Louisiana carried with it all of Oregon. Under that claim, whether good or bad, (and in this argument it matters little which,) and our previous discovery, we took possession of the country under the order and action of our government; and the exploration of Lewis and Clarke was followed up by acts of possession by Mr. Henry and Mr. Astor, of the country, and of the river which was its chief and most important feature. Mr. Huskisson and Mr. Addington did not deny this transfer, but claimed that the question had previously been disposed of by the treaty of Nootka, and that they thus got rid of the force of the transfer. I will show it had no such effect. The convention of Nootka was abolished by the war of 1796. Spain made the transfer in 1800, France in 1803, and we took possession in 1805, in 1806, in 1808, in 1810, and continued until 1813. By England's own showing, the convention did not revive, if at all, till 1814; so that during the interval, while the treaty was null, we took possession of the country, and it was still ours under this claim alone.

We have already seen that Great Britain admits all her rights, previous to 1818, to rest in the stipulations of the Nootka convention. I do not deny but that her *subjects* had certain privileges guaranteed; but there was no grant to the *sovereignty* of Great Britain, and she had no right to exercise acts of sovereignty by any power conferred by that treaty. The first article of the convention provides that the buildings and tracts of land, situated on the northwestern coast, which had been taken from British subjects, should be restored to them. The language of the treaty was not that they be given up to the British government, but to British subjects. By the second article a just reparation was to be made for all injuries arising from the acts of either party. By the third article—the only one which conferred rights—in order to preserve a good understanding between the parties, it was agreed that the respective subjects and citizens of both should not be disturbed or molested in carrying on their fisheries and their trade with the natives. Spain was in possession by discovery, and here was no waiver of eminent domain nor surrender of sovereignty. The third article of the Nootka convention is as follows:

"In order to strengthen the bonds of friendship and to preserve in future a perfect harmony and good understanding between the two contracting parties, it is agreed that their respective subjects shall not be disturbed or molested, either in navigating or carrying on their fisheries in the Pacific ocean, or in the South seas, or in landing on the coasts of those seas, in places not already occupied, for the purpose of carrying on their commerce with the natives of the country, or of making settlements there; the whole subject, nevertheless, to the restrictions specified in the three following articles."

I call attention to this language, for the purpose of showing the absence of all intention or expectation on the part of the British government of gaining any rights under this convention beyond those guaranteed to her subjects—the restoration of Meares's property, the privilege of occupying temporary habitations on land for the purpose of carrying on trade with the natives, and that those who ventured their property upon the sea in prosecution of the fisheries should not be molested. She always takes care of her subjects and of their interests. Would we could say the same of our own government! The other articles of the convention are not material to the view I am taking, though they all favor the construction I contend for. This, I think, shows that Great Britain acquired no rights of sovereignty under the Nootka convention.

I will now show what was the effect of the restoration of Astoria in 1818, under the treaty of Ghent. Great Britain sometimes asserted a claim by discovery. She insisted that she had rights under the Nootka convention, and all conceded that it was hers by conquest from 1813 until restored. She had one title, but from three sources which were merged. In 1818 she restored Astoria, which was a restoration of the country, without protest, or pretence of any claim whatever. How, then, did she divide her title again, and transfer a portion to us, and retain the residue? I hold that upon every principle of national law or common sense, she is estopped from asserting any claim which she now pretends had existence then. It is evident that she had no confidence in her claim, nor was any countenanced by the public men of that day; and Mr. Clay, who was soon after Secretary of State, in an official paper, declared that she had not the color of a

title to any portion of the territory. Though she had insisted upon some claim previous to the restoration under the Ghent treaty, Lord Castlereagh, Principal Secretary of the Foreign Office, declared that we were entitled to be fully restored, and to be deemed the party in possession while treating of the title. The fort and settlement were restored to the government of the United States, as such. The restoration and acceptance were the acts of the respective governments through their constituted authorities. The first article of the treaty of Ghent, under which Astoria was restored, unlike the Nootka convention, provided for the restoration to this government; and under this provision, the country was restored, not to individuals, but to the *sovereignty* of the United States. We were then in full and peaceable possession by the consent and authority of the British government. We had successfully defied her arms, and she had restored it to us without even claiming a possessory right; and at that time, certainly, the whole world would have pronounced our title *clear and unquestionable*.

But in fourteen fatal days thereafter we entered upon negotiation, and, as usual, fell a prey to the sapping and mining of her diplomacy. The treaty of 1818, which it is contended was a treaty for joint occupancy, was not one for that purpose, but a treaty of permission to her subjects to trade and to fish upon the coast. It gave to Great Britain no right to exercise sovereignty. We were already in possession; and she had no rights there, unless she gained them under the treaty of 1818. The language of that treaty is worthy of examination. The third article of the treaty of 1818 reads:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

[The treaty of 1827 extends the above article indefinitely, but provides that it may be terminated by either party giving one year's notice.]

Now, where did Great Britain obtain her right to exercise acts of sovereignty in that territory? It was said she was in *possession*. Perhaps it might be considered practical occupation, inasmuch as her subjects were there, though by mere permission, not by conquest; we being deemed in possession. She had no more right to exercise any act of sovereignty in the territory under the Nootka convention, or the convention of 1818, than she had within the District of Columbia. Suppose we should give the subjects of Great Britain the right to navigate the Potomac, or any other river in the United States: would that give the right to the government of Great Britain to exercise acts of sovereignty there? Suppose we should authorize British subjects to transact certain business in the District of Columbia: would any one pretend that it gave that government jurisdiction?

The honorable Senator from Missouri, a few days since, was pleased to say that this was the fruit of "barren negotiations." Would to Heaven the negotiations had been barren!

[Mr. Benton remarked that they had lasted thirty years; and he had designated them, therefore, aged and barren.]

Mr. Dickinson continued. I am glad they have been thus barren, and I am prepared to show that they ought to produce no fruit, such as was anticipated by Great Britain. To return to the convention of 1818. Though it gave no rights whatever to the British government as such, it has been, as was well said by the Senator from Missouri, the source of difficulty to us. But for that convention, we should now be in peaceful and quiet occupation of the territory. It was that which had fortified the claim set up by the British negotiators—which claim, as late as 1818, they did not consider worthy of being called even a possessory right, but which has now grown into a right of which she cannot be deprived without war. What is the true state of her title? Legally, not in possession of the territory, with no rights as a government, she assumed the right of extending the jurisdiction of her courts not only over her own subjects, but over the whole territory, and over all persons therein. She has erected extensive fortifications, and

is now literally in the armed occupation of the country, and in the exercise of the highest acts of sovereignty, showing a disposition to hold it, peaceably if she can, forcibly if she must. How did she possess herself of these privileges? and with what intention did she do so? An agent of the Hudson Bay Company thus explains it to his governor: "The territory may hereafter become of great consequence to Great Britain, and we are strengthening her claim." They were making what was no claim a claim, then a right, and lastly a title—doing as Englishmen had done in the East Indies—converting a small trading post into a territorial possession, over which they exercise unlimited jurisdiction. What was a few years since a small trading post at Calcutta, is now a vast colonial possession, and has given her jurisdiction over a hundred millions of human beings.

What is the real claim of Great Britain since 1818? Some may be surprised to hear it asserted that she claims no title; but such is the fact, as will be seen by a close examination of the correspondence. Her negotiators did not rely upon discovery, but upon *rights* growing out of the conventions of Nootka and of 1818. Messrs. Huskisson and Addington, in their correspondence with Mr. Gallatin, in 1826, thus state their claim:

"Great Britain claims no exclusive sovereignty over any portion of that territory. Her present claim, not in any respect to any part, but to the *whole*, is limited to a right of *joint occupancy* in common with other States, leaving the right of exclusive dominion in *abeyance*."

Upon this, Mr. Pakenham, the present able British Minister, has improved; and, after amusing himself and the American people, and attempting to divert the American Secretary by pretended discoveries, has contrived to leave an idea to nestle amid a mass of words, in a manner which would have added another laurel to the wreath which adorned the brow of Talleyrand. After reciting the various grounds of claim, he closes with the following:

"In fine, the present state of the question between the two governments appears to be this: Great Britain possesses and exercises, in common with the United States, a right of joint occupancy in the Oregon

territory, of which right she can be divested with respect to any part of that territory only by an equitable partition of the whole between the two Powers.

"It is for obvious reasons desirable that such a partition should take place as soon as possible, and the difficulty appears to be in devising a line of demarcation which shall leave to each party that precise portion of the territory best suited to its interest and convenience."

It is said that Mr. Pakenham was censured by his government. This I deny. Sir Robert Peel was not prepared to say whether Mr. P. should have taken 49° or not; in short, he was not prepared to say anything about it before the public. Although I desire no cabinet secrets, I should like to know under what instructions Mr. Pakenham rejected that offer? These would show whether the British Minister was more grasping than his government, but there is nothing in the foreign news which indicates it.

But if this territory is ours, is it worth preserving? Great Britain sometimes describes it as a fertile region, and sometimes as a cold and barren waste; and it has been called on this floor, the Siberia of America. It stretches for nearly a thousand miles along the Pacific coast; the distance from the coast to the Rocky mountains, varying from five to seven hundred miles, comprising a tract of country nearly equal in extent to one-half of the States of this Union, and containing rivers navigable for hundreds of miles. Its climate, in all respects, is better than that of New England. The Almighty has fashioned a highway from the fertile valley of the Mississippi to the headwaters of the Columbia. Within that region, plants spring spontaneously; flowers bloom and shed their fragrance, and the humming bird performs its round in March. The country looks out upon the Pacific, offering facilities for commerce unsurpassed, and some of the best harbors in the world—will give us the China trade in as many weeks as it now takes months to perform the journey, and without the dangers of a passage around the capes; the trade of Japan, of the clustered islands of the Pacific, of British and Dutch East India and the golden commerce of the whole East, which has enriched the world. It is the advantages of this great commercial possession of which great Britain seeks to deprive us.

She sees that the commerce of the world, if divided into eight parts, belongs five parts of it to herself and us; and by further allotment as between ourselves, two of those five parts are ours; and she sees, too, that, from our growing importance, if we possess ourselves of this territory, we shall be in possession of both oceans; that we shall be successors to, as we are now the competitors for, her trident; that here great commercial cities will grow up, and our merchants become the common carriers of the world.

But we are told, as usual, that there will be war unless the country be at least divided. I said at the commencement that I would discuss the question with the same freedom as though it were one to be decided before a judicial tribunal; and while I should deprecate a reckless war, I should equally deprecate a craven and purchased peace. Neither the one nor the other is necessary. I have shown by the admissions of Great Britain, that she has no rights beyond those which appertain to her subjects as such. These we have never interfered with; but she has herself broken the treaty, by the exercise of acts of sovereignty which she had a right only to exercise within her own dominions, or within a country where that authority was given her.

We are told, too, that the matter in controversy must be adjusted by peaceable, honorable negotiation. Peaceable negotiation becomes us—honorable negotiation should accompany it. But if, on a full examination, we can maintain, in the face of the civilized world, that the territory is ours, it would be an act of injustice to surrender it. Sir, we have the right to call upon Great Britain to give up her pretended claim. She cannot break the peace of the world, when we are willing to respect, and do respect, all the rights she has there.

It is said, too, that we must come down to the 49th degree of north latitude, and compromise. Why should that parallel be proposed? It has been repeatedly offered by our government, and as often rejected. The last time it was offered, her Majesty's Minister declared that he hoped this government would make an offer more consistent with fairness and equity. He returned this answer at once, without referring to his government; and no such question exists, except in imagination.

Does it become our honor, dignity, or self-respect as a nation, to keep constantly urging before the people of this country and the world that the 49th parallel must be the dividing line; that we will give her that line, though she has declared she will not receive it? It will be time enough for us to say we will give Great Britain a part when she makes out a title to it; or if we give her what is ours, let her first at least consent to receive it. Let us not force her to accept the territory which she says she refuses. I have too much respect for our government to occupy a position so humiliating; and though I have too much respect for the British government to indulge in aspersions, I have not that affection for it which should induce me to *urge* upon it a portion of our territory.

The strict question before the Senate is, shall the convention be terminated? But it has properly taken a much wider range, and the foreign and domestic policy of the government been brought under discussion. The different structure of the two governments is too obvious to require explanation: theirs, central, executive, and its chief power resting in its ministry; ours, popular, representative, and its elements of strength with the masses of the people. Theirs developing its greatest energies in the star-chamber policy of diplomatic negotiations; ours through its popular expression; and hence the reason we fail when thus brought in conflict with her, and not because her statesmen are more sagacious than ours.

The Oregon question here receives its tone from the people—there from the cabinet. Why has the declaration of the President of the United States met with such unqualified and universal approbation? It was not merely that he said, under the sanction of his high position, that our title to the whole of Oregon was clear and unquestionable—it was not that he was chosen to be the Chief Magistrate, over a popular and distinguished competitor—it was not that the people felt an abiding confidence in his stern integrity, and an assurance that, like him who had gone before him, he would claim only that which was right, and would submit to nothing which was wrong; but it was because in his language they heard their own, and felt that the sentiments he uttered were the sentiments of their hearts.

But it is said that we must beware how we discuss this

question, because the news from abroad is pacific; because the Queen's speech is gentle; because the language used in Parliament is mild; because the tone of the public press in Great Britain is peaceful. Sir, I concede all this; but, when our whole policy is made to depend upon the Queen's speech, or upon the sentiments of British statesmen, or upon the press of Great Britain, we may as well at once go back to a state of colonial dependence. What is the Queen's speech? A formula which has not been changed three sentences for as many centuries; and from this we are to take our line of conduct. The language in Parliament is pacific, certainly:—who ever knew an instance in which Great Britain paraded her foreign policy before the world? If we must know it we must find out the secrets of her Foreign Office. Her energies are differently employed. The British Premier comes into Parliament with every expression calculated and weighed well before uttered. The Premier, in his place in Parliament, sees nothing that will disturb the peaceful relations of the country; but proposes to increase warlike preparation. He trusts that peace will be preserved, and so do I, but I trust Great Britain will yield up a claim asserted without right and maintained against evidence. Hence it is that I trust we shall have no war.

As to any commercial arrangement contemplated between the two countries, it must depend upon its advantages, and not upon the Oregon question. Whenever Great Britain shall propose any arrangement to this government, we should meet her in the spirit of liberality and good feeling which should characterize the intercourse between two great nations. But I see nothing in the Queen's speech, in the debates in Parliament, or in the temper of the British press which should induce us to hesitate or relax aught in the prosecution of our rights in Oregon. Perhaps she will throw open her ports; but what will induce her to do it? Love and affection for the interests of the American people?—or have the cries of her starving millions reached to Heaven? Did she see the genius of monarchy rocking upon its pedestal, and propose to permit famine to purchase its crust in the market of the world, and thus procure a renewal of her lease of despotism, which she feared was drawing to a close? It is a question between that

government and its people; her aristocracy have given way upon compulsion, and not from choice. It is a bold and masterly policy of her ministry to save the nation, and gives no indication that she will relax her unjust claim to Oregon. We should look to our own interest and to our own country for sentiments by which to regulate our action, and leave commercial treaties and regulations to the future. The Almighty has created beings there, and materials to feed them here; not upon the territories of monarchy, but of freedom.

So much has been said upon the pacific tone of the British press, that I will read a short extract from the London Times, which may be regarded as semi-official, and as exhibiting the true feeling of the British Ministry:

"It appears that the last proposal submitted to him (Mr. Pakenham) by Mr. Buchanan, viz.: a division of the territory, he rejected at once. Now it is urged that he should have communicated with the Home government before he took so summary a course. It would require a fuller acquaintance with the circumstances of the case than is afforded by Sir R. Peel's explanation, to pronounce positively upon the propriety of his conduct. If by the term "division," be understood a division formed by a line continued from the forty-ninth parallel, we can understand the motives which forced him to reject the offer. This partition of territory would have deprived us of the Columbia river; in fact, of the most essential property—the only beneficial interest in the disputed country. Excluding this, it excluded not only the most important part of our claims, but that which previous conventions and previous proposals had conceded to us. It would have been impossible for any English cabinet to accept offers so humiliating, or rights so truncated. * * * * *

"If Mr. Pakenham had betrayed an undecided or doubtful mind when called upon to cede the navigation of the Columbia and the rich soil upon its banks, what would have been said by the politicians of the United States, by the mob constituencies, by the mob flatterers, by the panders to bad passions, and the suitors for popular favor?"

This, then, is the conciliatory spirit which should induce the representatives of "*mob constituencies*" to surrender Oregon!

As so much has been urged in favor of negotiation, and as the teachings of experience are valuable, I will refer to our diplomatic history for thirty years, and see how the various

questions have been disposed of. It has been already seen that all the rights Great Britain has in Oregon were conferred by negotiation. A few years since there were four leading subjects of difference: the northeastern boundary, the Caroline or McLeod affair, the right of search, and Oregon.

The northeastern boundary was first submitted to the arbitrament of the King of the Netherlands, who was instructed to follow the highlands, but located his line in the bed of the St. John's. His award was rejected, and negotiation resumed. Great Britain had more territory awarded to her than a map in her Foreign Office showed she was entitled to, and this government paid to Maine and Massachusetts for the territory thus ceded \$300,000. This is the history of one concession by this to the British government.

In 1837 there were collisions between citizens of New York and others, and the inhabitants of Canada—hostilities having been exchanged between the parties, at least as it was supposed, when an armed company, under the direction of the Canadian authorities, came over and seized a steamboat lying within the territory and jurisdiction of the State of New York, while the hands were asleep on board, cut it out, murdered a portion of the hands, and one who fled to the shore was shot down after he had reached it. The boat and her crew were sent over the Falls of the Niagara. That was a question which, at the time, raised the indignation not only of citizens of New York, but of the whole American people. The attention of the authorities of New York, and of the United States, were directed to the subject; reparation was demanded, and how was it procured?

An individual named McLeod, an inhabitant of Canada, avowed himself the murderer, and being in the State of New York, was arrested and confined in jail. The Federal government endeavored to prevent his trial by the courts of New York; and but for the commendable firmness of her executive and judicial authorities, would have succeeded. No reparation has yet been made; and it is said to have been charged upon the floor of the other branch of Congress that the fees of counsel who defended McLeod were paid from the treasury. I know nothing concerning the statement, but hope, for the honor of the nation, it is not true.

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Mr. WEBSTER. It is wholly incorrect.

Mr. DICKINSON. I am happy to hear it. I wish to be correct as to the history of the past; but if my recollection serves me, the Federal government insisted that the authorities of New York, under the circumstances, had no right to try McLeod, who declared he had sent the missile which had terminated the life of one of her citizens upon her own soil. Does the Senator wish to explain?

Mr. WEBSTER. Not at present; I do not want to interrupt the Senator. I shall think it necessary, perhaps, to call on him hereafter for the authority upon which he makes the statement.

Mr. DICKINSON. I have understood there was a correspondence between the authorities at Washington and the Governor of New York to that effect, but I allude particularly to a letter addressed by Mr. Webster, Secretary of State, to Mr. Crittenden, Attorney General, at that time, directing him to proceed to New York and take charge of the trial of McLeod. It is not now before me, and I do not recollect its precise language, but will refer to it before I close. I will endeavor to speak of the history of the past truly, and in perfect kindness, but I wish to show what we have gained by negotiations with Great Britain, and who has made the concessions.

Mr. D. here gave way to a motion for executive session.

WEDNESDAY, February 25.

Mr. DICKINSON said:—When I gave way yesterday, in discussing the McLeod affair, I had incidentally alluded to a statement which I had understood had been made in the other House of Congress by the chairman of the Committee on Foreign Affairs. The statement surprised me, for I thought, if true, it was a great abuse, which should be guarded against for the future, and if not, it should be denied. I will produce and read the remarks to which I alluded, as well in justification of the statement as to allow the late Secretary* a full opportunity for explanation, if he desires.†

* Mr. WEBSTER.

† Extract from the speech of Mr. C. J. Ingersoll in the House of Representatives. Speaking of the McLeod affair, Mr. Ingersoll said:

“He viewed that matter as a considerable item among the causes which led to

Mr. EVANS said it was not in order.

Mr. DICKINSON said :—I have no desire to read, if objected to from the other side, and will waive it. That part of the statement, however, as reported, which related to the late Attorney of the United States for the northern district of New York, does that gentleman injustice, (unintentional, certainly,) for he is a gentleman of integrity, and had undertaken the defence of McLeod before his appointment to office; and besides, McLeod was prosecuted in a State court, by the Attorney General of New York, where the District Attorney of the United States had no official relation.

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This inelegant invective was earned by the American Minister in France for truly representing and maintaining his country's interests and the honor of its flag ; a question which not only concerned our whole merchant marine here, but the rights of every citizen of the United States. The course of the American Minister was approved by the constituted authorities of his country, and applauded by the popular voice, and yet the right of search was left where it was found, by the Ashburton treaty ; and Mr. Cass, in a becoming spirit, asked leave to return to his country the day he was advised of its ratification. I do not intend to pursue the question further than is necessary to show that it was another concession by this to the British government, which is already apparent ; and yet it is said, we are uncompromising and indulge a spirit of war.

Thus it will be seen how three of the four matters in difference in 1842 have been disposed of by negotiation—on which side have been the concessions ; and the fourth, Oregon, is where it was then, and is the subject now under consideration. The only action contemplated by Congress is in regard to the question of notice, which can be disposed of with much brevity. What kind of notice should be given ? I certainly prefer the notice provided for by the treaty,—a simple notice that the convention shall terminate. This would best comport with the dignity of both nations. But it has been said that this kind of notice would break off negotiation, and lead to war, a supposition I will in no wise regard ; for war between two such nations ought not to flow from an act provided for by treaty stipulation. Nor does it necessarily break off negotiation, but will bring the parties together, and aid negotiation, if they should choose again to enter upon it. It is urged that we must compromise. But there is no such question before the Senate or the country, and I will not consider or entertain any. The President, feeling bound by the acts of previous Administrations, in a spirit of concession, made an offer of compromise which was rejected and withdrawn.

I approve of the measures the President has recommended, and would carry them all into effect. Great Britain has taken armed occupation of the territory, and extended her jurisdiction over it without right, and I would have our government do the same with right. She is not lawfully in possession under the

treaty, and I care not that her hunters, and traders, and block-houses are there ; I would not only erect stockades on this, but on that side of the mountains, if necessary ; and as well extend our laws over Americans there, as over the territory. There is nothing to be gained by timidity, and a neglect to assert rights. It should be the policy of this government not to seek for territory beyond the continent, but to retain all its possessions that it now has. We never can acknowledge the European doctrine of the balance of power, which has recently been so offensively exercised within this Union. We own not a single island of the ocean, and should not desire to own any, but should guard with peculiar vigilance all that is ours against the rapacity of a Power which has already greater possessions in North America than ourselves.

When the annexation of Texas was under consideration, we saw the governments of Great Britain and France, which had warred against each other for centuries, and are still alive with hereditary animosities, unite in attempting to regulate our balance of power, and at this moment they are engaged in controlling the affairs of the Argentine Confederacy—a principle akin to that which seeks to circumscribe our boundaries and our institutions, and yields to monarchy what it takes from freedom—a policy incompatible with our interests, our honor, and our just rights ;—which can never be tolerated, and cannot be too soon nor too firmly met and resisted.

This territory is neither to be undervalued nor disregarded because it is distant. When the route to Oregon shall be traversed by steam, as it will be at no distant day, it will be nearer the Capital in point of time than many of the old States were a few years since, and the facilities for interchanging communications with it greater. Time and space are practically annihilated. An element which superstition recently regarded only as the messenger of heaven's vengeance, now transmits as well the transactions of business as the greetings of affection. In a government constituted like ours, where the Executive power is the servant, and not the master, the remotest points are as strong as the nearest, and every pillar adds durability and beauty to the structure.

As an inducement to our government to yield to Great Britain, each of the negotiations to which I have alluded, has been

government and its people; her aristocracy have given way upon compulsion, and not from choice. It is a bold and masterly policy of her ministry to save the nation, and gives no indication that she will relax her unjust claim to Oregon. We should look to our own interest and to our own country for sentiments by which to regulate our action, and leave commercial treaties and regulations to the future. The Almighty has created beings there, and materials to feed them here; not upon the territories of monarchy, but of freedom.

So much has been said upon the pacific tone of the British press, that I will read a short extract from the London Times, which may be regarded as semi-official, and as exhibiting the true feeling of the British Ministry:

"It appears that the last proposal submitted to him (Mr. Pakenham) by Mr. Buchanan, viz.: a division of the territory, he rejected at once. Now it is urged that he should have communicated with the Home government before he took so summary a course. It would require a fuller acquaintance with the circumstances of the case than is afforded by Sir R. Peel's explanation, to pronounce positively upon the propriety of his conduct. If by the term "division," be understood a division formed by a line continued from the forty-ninth parallel, we can understand the motives which forced him to reject the offer. This partition of territory would have deprived us of the Columbia river; in fact, of the most essential property—the only beneficial interest in the disputed country. Excluding this, it excluded not only the most important part of our claims, but that which previous conventions and previous proposals had conceded to us. It would have been impossible for any English cabinet to accept offers so humiliating, or rights so truncated. * * * * *

"If Mr. Pakenham had betrayed an undecided or doubtful mind when called upon to cede the navigation of the Columbia and the rich soil upon its banks, what would have been said by the politicians of the United States, by the mob constituencies, by the mob flatterers, by the panders to bad passions, and the suitors for popular favor?"

This, then, is the conciliatory spirit which should induce the representatives of "*mob constituencies*" to surrender. Oregon!

As so much has been urged in favor of negotiation, and as the teachings of experience are valuable, I will refer to our diplomatic history for thirty years, and see how the various

questions have been disposed of. It has been already seen that all the rights Great Britain has in Oregon were conferred by negotiation. A few years since there were four leading subjects of difference: the northeastern boundary, the Caroline or McLeod affair, the right of search, and Oregon.

The northeastern boundary was first submitted to the arbitrament of the King of the Netherlands, who was instructed to follow the highlands, but located his line in the bed of the St. John's. His award was rejected, and negotiation resumed. Great Britain had more territory awarded to her than a map in her Foreign Office showed she was entitled to, and this government paid to Maine and Massachusetts for the territory thus ceded \$300,000. This is the history of one concession by this to the British government.

In 1837 there were collisions between citizens of New York and others, and the inhabitants of Canada—hostilities having been exchanged between the parties, at least as it was supposed, when an armed company, under the direction of the Canadian authorities, came over and seized a steamboat lying within the territory and jurisdiction of the State of New York, while the hands were asleep on board, cut it out, murdered a portion of the hands, and one who fled to the shore was shot down after he had reached it. The boat and her crew were sent over the Falls of the Niagara. That was a question which, at the time, raised the indignation not only of citizens of New York, but of the whole American people. The attention of the authorities of New York, and of the United States, were directed to the subject; reparation was demanded, and how was it procured?

An individual named McLeod, an inhabitant of Canada, avowed himself the murderer, and being in the State of New York, was arrested and confined in jail. The Federal government endeavored to prevent his trial by the courts of New York; and but for the commendable firmness of her executive and judicial authorities, would have succeeded. No reparation has yet been made; and it is said to have been charged upon the floor of the other branch of Congress that the fees of counsel who defended McLeod were paid from the treasury. I know nothing concerning the statement, but hope, for the honor of the nation, it is not true.

Mr. WEBSTER. It is wholly incorrect.

Mr. DICKINSON. I am happy to hear it. I wish to be correct as to the history of the past; but if my recollection serves me, the Federal government insisted that the authorities of New York, under the circumstances, had no right to try McLeod, who declared he had sent the missile which had terminated the life of one of her citizens upon her own soil. Does the Senator wish to explain?

Mr. WEBSTER. Not at present; I do not want to interrupt the Senator. I shall think it necessary, perhaps, to call on him hereafter for the authority upon which he makes the statement.

Mr. DICKINSON. I have understood there was a correspondence between the authorities at Washington and the Governor of New York to that effect, but I allude particularly to a letter addressed by Mr. Webster, Secretary of State, to Mr. Crittenden, Attorney General, at that time, directing him to proceed to New York and take charge of the trial of McLeod. It is not now before me, and I do not recollect its precise language, but will refer to it before I close. I will endeavor to speak of the history of the past truly, and in perfect kindness, but I wish to show what we have gained by negotiations with Great Britain, and who has made the concessions.

Mr. D. here gave way to a motion for executive session.

WEDNESDAY, February 25.

Mr. DICKINSON said:—When I gave way yesterday, in discussing the McLeod affair, I had incidentally alluded to a statement which I had understood had been made in the other House of Congress by the chairman of the Committee on Foreign Affairs. The statement surprised me, for I thought, if true, it was a great abuse, which should be guarded against for the future, and if not, it should be denied. I will produce and read the remarks to which I alluded, as well in justification of the statement as to allow the late Secretary* a full opportunity for explanation, if he desires.†

* Mr. WEBSTER.

† Extract from the speech of Mr. C. J. Ingersoll in the House of Representatives. Speaking of the McLeod affair, Mr. Ingersoll said:

"He viewed that matter as a considerable item among the causes which led to

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Mr. DICKINSON said :—I have no desire to read, if objected to from the other side, and will waive it. That part of the statement, however, as reported, which related to the late Attorney of the United States for the northern district of New York, does that gentleman injustice, (unintentional, certainly,) for he is a gentleman of integrity, and had undertaken the defence of McLeod before his appointment to office; and besides, McLeod was prosecuted in a State court, by the Attorney General of New York, where the District Attorney of the United States had no official relation.

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battles of the Revolution and guided a band of feeble colonies to the proudest destiny of nations,—retires from the cares of state, to the quiet shades of Mount Vernon, unable to settle the north-eastern boundary. The gigantic mind of the elder Adams, with the spirit of the Revolution upon him,—he who had contributed so abundantly to the cause of his country's independence,—he whose patriotism and devotion were undoubted, left the northeastern boundary to be cared for by those who should succeed him. Thomas Jefferson—the author of the Declaration of American Independence, who proclaimed to the world the obvious but mighty truth that all men are created equal,—though eight years administering the government, found his great knowledge unequal to the task; and lived and died, and the question remained unsettled. It withstood the exertions of Madison, the patriot and statesman;—of the laborious and researching Monroe;—of the younger Adams, to whom was conceded more diplomatic learning than any other American statesman of his time. Jackson, the sage and hero, who left his mighty impress upon the institutions of his country, and by his bold and fearless patriotism commanded the respect and admiration of the world—passed over the controversy, undisposed of, to his successor. The prudence and sagacity, the persevering purpose and quiet firmness of Van Buren also failed, and like those who had preceded him, he retired from office with the north-eastern boundary question unsettled and Maine undivided. And, in short, so pertinaciously had all administrations, up to this time, adhered to the interests and honor of the country, that, as the Senator informs us, Lord Palmerston, her Majesty's principal Secretary of State for Foreign Affairs, declared, in an official despatch, “That as early as 1840 the British government had perceived that they never could come to a settlement of this controversy with the government of Mr. Van Buren, and they therefore wished and waited for a change in the government of the United States.”

But this event, so earnestly desired by the British government, so necessary in its estimation to the adjustment of this question, had happened;—a new administration had been installed;—the Senator from Massachusetts had been invested with the power and dignity of premier,—and in the first year and fifth month of that auspicious reign, this troublesome and

long-lived controversy was adjusted! And how, Mr. President, was this transcendent feat of diplomacy accomplished? By doing that which all preceding Administrations had refused to do—giving up to Great Britain the whole territory in dispute and 700,000 acres into the bargain! What a sublime triumph over British diplomacy! But, sir, the Senator says that Maine consented to the arrangement, and seems to suppose that no other section had a right to complain. It was, however, a question of national as well as State boundary, one in which every member of the confederacy had an interest; and would have been none the less a concession if Maine had been silenced and had voluntarily consented. But how did she consent? With the declaration of the Secretary that no more favorable terms could be obtained,—the oft-repeated cry that she was about to involve two great Christian nations in a bloody war—with threats of future arbitration and the parade of a spurious map, her consent was finally wrung from her. Read, sir, the *consent* of the Commissioners of Maine to the dismemberment of their State, and the indignant and eloquent protest it contains, though borne down and crushed by circumstances into acquiescence. Sir, the consent of Maine to part with her soil and her sovereignty was given with a bleeding heart; it was like the consent of him who bares his own right arm to the surgeon's knife when advised that his life can only be preserved by its amputation;—she consented as one consents to commit to kindred dust the children of his body;—she consented as the red man consents to be driven from his happy hunting grounds, the graves of his fathers and the banks of the streams where he sported in childhood;—she consented, as was said by another,* as “the victim consents to execution, because he walks and is not dragged” to the scaffold which has been erected to receive him.

I will now, Mr. President, proceed to examine this treaty somewhat more in detail, and to consider its concessions and enumerate its equivalents, and leave it to an impartial public to judge of its wisdom and propriety. By reference to that part of my Oregon speech already noticed, it will be seen that I asserted that the Dutch line (which took from us an exten-

* MR. BENTON.

sive territory) was rejected; and that the Ashburton line gave to Great Britain more territory than a map in her Foreign Office showed she was entitled to;—in fact about 700,000 acres more than the Dutch line gave her; and that we paid for it to Maine and Massachusetts about \$300,000. This I now repeat, and prove my assertion by the authority of Lord Brougham, who, in discussing the Ashburton treaty in the British Parliament, said:—

“The Dutch is as far inferior to the line Lord Ashburton has got, as the Dutch line is better than *we had any title to expect*; and while it keeps open the communication, it removes the Americans much farther from the St. Lawrence than the Dutch line did, which was the other great object.”

In speaking of the map to which I alluded, he said:—

“I know that map—I know a map which I can trace to the custody of George III., and on which there is the American line, and not the English line, and upon which there is a note that, from the handwriting, as it has been described to me, makes me think it was the handwriting of George III. himself,—‘This is the line of William Oswald’s treaty of 1788,’ written three or four time across the face of it.”

And, after some further remarks, he adds:—

“But, somehow or other, that map, *which entirely destroys our contention, and gives all to the Americans*, has been removed from the British Museum, [George III.’s library was presented to the Museum,] and is now to be found at the Foreign Office.”

Lord Palmerston, to be sure, dissented from the opinions of Lord Brougham, but Lord Brougham was sustained by the House almost unanimously, two Peers only dissenting. By this it is conceded that the Dutch line gave to Great Britain much more than she was entitled to,—in short, that she had no right to any portion of the disputed territory; and yet this treaty gives to her 700,000 acres more than the Dutch line proposed to give. And we agree with Great Britain too, (for it is provided in the treaty,) to pay to Maine and Massachusetts for the soil thus surrendered \$300,000, and besides have paid and are to pay \$200,000 more for the expenses of Maine in

defending it. But, says the honorable Senator, the land was almost entirely worthless, and is probably at this time covered with five feet depth of snow. Then why, if valueless for any purpose, did the late Secretary purchase it at an expense of \$500,000? And why, pray tell, was Great Britain so anxious to obtain it and give for it the valuable and vast equivalents?

The Honorable Senator does not deny the correctness of my assertions, but complains that, the fundamental principle of this treaty being that of equivalents, I did not, in stating the concessions made by it to Great Britain, fairly enumerate and estimate the equivalents received; and this is one of his principal grounds of complaint. Foremost in rank and principal in value in the catalogue of equivalents, the Senator places Rouse's Point. This he informs us is a valuable military post, commanding the entrance to Lake Champlain, at a point near the line between the British possessions in Canada and the State of New York. This large sum of money, the Senator assures us, was not in effect paid for the worthless seven hundred thousand acres ceded from the acknowledged territory and jurisdiction of Maine to that of Great Britain, but to obtain Rouse's Point and its vast military advantages. But if paid for Rouse's Point, why paid to Maine and Massachusetts? They asserted no claim whatever to Rouse's Point, and their land the Senator pronounces to be almost worthless. Now let us examine for a moment the Senator's argument, and note the conclusions to which it brings us. The line awarded by the King of the Netherlands, called the Dutch line, gave us Rouse's Point and its military advantages; and secured to Maine the seven hundred thousand acres of land which this treaty gave to Great Britain. As a Senator from Massachusetts during the administration of Gen. Jackson, the Senator opposed the Dutch line, for the alleged reason that it was not sufficiently favorable, and voted against every proposition which looked to its adoption; and he now boasts of the diplomacy which gave five hundred thousand dollars for the seven hundred thousand acres of worthless land and transferred the land to Great Britain in exchange for Rouse's Point, when the award of the Dutch King, which he resisted, gave us both the land and the Point for nothing. And yet the Senator insists that he had in the settlement of this line, a strict regard to the principle of equivalents. Sir, I had supposed that "equivalent"

meant something of equal value, though I have not looked at Webster's Dictionary to see how he defines the word. The practical construction given to it by the Honorable Senator in this case, at least between Great Britain and the United States, would seem to be as follows :—A line was offered to our Government reserving to Maine the seven hundred thousand acres, and also reserving to us Rouse's Point. The Senator opposed that line, and procured its rejection. He then gave the seven hundred thousand acres for the military point, paying to Maine some five hundred thousand dollars for the land given in exchange ; and now assures us that he negotiated upon the basis of, and with an eye to the "equivalents."

On the first day of the Honorable Senator's speech, I asked him if the award of the Dutch King did not give us Rouse's Point. His answer was "certainly not ;" but followed by the admission that it gave us a semi-circular line running round the fort, but not including what we had possessed before ;—and he argued in substance that it would be useless as a military post under the Dutch line, because the line which gave it to us was circuitous,—as if cannon balls and grape shot from the fort, in discharging their deadly errands, would turn and describe the same circuit rather than pass to their destination on a right line. To place beyond doubt the fact that this post was given to us by the award of the King of Holland, I have procured from the War Department that part of the award relating to Rouse's Point, which is as follows :

"And that the government of the United States of America has erected certain fortifications at the place called Rouse's Point, under the impression that the ground formed part of their territory—an impression sufficiently authorized by the circumstance that the line had, until then, been reputed to correspond with the 45th degree of north latitude.

"We are of opinion, that it will be suitable (*il conviendra*) to proceed to fresh observations to measure the observed latitude, in order to mark out the boundary, from the river Connecticut along the parallel of the 45th degree of north latitude to the river St. Lawrence, named in the treaties Iroquoize or Cataraguy, in such a manner, however, that, in all cases, at the place called Rouse's Point, the territory of the United States of America shall extend to the fort erected at that place, and shall include said fort and its kilometrical radius (*rayon kilometrique*).

[Signed]

WILLIAM."

But the Honorable Senator points us to a narrow strip of land on the borders of New York and Vermont, which he claims to have secured to those States, upon the principle of equivalents, in the closing of this negotiation. Let us examine the history of this acquisition. By the treaty of peace of 1783, between this government and Great Britain, the 45th parallel of north latitude, as ascertained by Great Britain herself, before the Revolution, was fixed as the boundary line between the United States and Canada; and the fortification at Rouse's Point was erected just within the line on the American side. Subsequent examinations proved that this line had been erroneously located by Great Britain, and by the treaty of Ghent the error was rectified and the line made to correspond with the true parallel. This gave or may have given, though it is questionable, to Great Britain, a narrow strip of land from the northern boundaries of the States mentioned, of half a mile in width at one end and running to a point at the other; most of it in a wild state, and the rest sparsely settled. The same remarks are applicable to a portion of territory on the eastern boundary of New Hampshire, lying between two creeks, and it being doubtful which one was intended. But the whole territory in all these cases had remained in our possession, and the inhabitants subject to our jurisdiction. The value of this land, for the mere purpose of territory, was trifling, and Great Britain had no wish to include American freemen within her boundaries. She readily consented to fix the line where it was originally located; to give up what she scarcely claimed, and to which her right was doubtful;—that of which she had never been possessed and did not want. Although it was well to correct and fix definitely this line, it was of itself the subject of no embarrassment, nor controversy, and should rank as a small affair, either as a British "equivalent" or as a feat of diplomacy.

But last in this treaty of equivalents is the free navigation of the St. John's River, a limited and partial right at best, and, as was shown by the Honorable Senator from Maine,* a few days since, so embarrassed by British constructions, taxes, duties and other exactions, as to curtail materially the benefits it even pretended to secure. Besides, we receive no more in

* MR. FAIRFIELD.

navigation than we bestow upon this river, and give a right of way over our soil which is not reciprocated by a right over theirs.

Was this ceded territory, Mr. President, valuable to either government for any purpose? I had never supposed it would compare in fertility with the valley of the Mississippi; and yet I had supposed it valuable,—for I remember that the Honorable Senator, who, as Secretary, negotiated this treaty, in a public speech in the Senate a few years ago, proposed to take forcible possession of it on the 4th day of some July. Until I heard the Senator's description of it upon this floor the other day, I had believed this day was selected by him as one devoted to patriotic deeds;—but I now conclude it must have been to avoid the vast accumulations of snow resting upon it at most other seasons of the year. And, sir, permit me to inquire, why was it that Great Britain desired this territory? for she never acts without a motive. Upon the Oregon discussion, my Honorable colleague * alluded collaterally to the settlement of this boundary, and spoke of the military communication which, by this treaty, the British government had secured between New Brunswick and Quebec, and of the country she had thus gained. I propose to pursue the matter a step further, and to inquire whether Great Britain had not long and unsuccessfully sought to obtain this very territory, which has at last been ingloriously yielded to her pertinacity. By reference to a history of our Foreign Relations, contained in American State Papers, vol. 3, page 709, it will be seen, that, in negotiating the treaty of Ghent, the British Commissioners, as stated in a communication from ours of August 19th, 1814, demanded

“A direct communication from Halifax and the Province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question in what manner this was to be effected, we were told that it must be done by a cession to Great Britain of that portion of the District of Maine, in the State of Massachusetts, which intervenes between New Brunswick and Quebec and prevents that direct communication.”

And in the note of the British Commissioners, bearing the same date, to be found on the next page of the same volume,

* MR. DIX.

they demand "such a variation of the line of partition as may secure a direct line of communication between Quebec and Halifax." And now, Sir, turn to the noble response of the American Commissioners, to be found at page 712 of the Volume before mentioned, that "*they have no authority to cede any part of the territory of the United States, and to no stipulation to that effect will they subscribe.*" Contrast this truly American and patriotic sentiment with the reply of our government to a preliminary note of Lord Ashburton, the British special envoy, upon the same subject. Lord Ashburton announced himself to the Administration on the 13th of June, 1842. Formal notes were interchanged and an interview appointed for the 18th. The first written communication from the Government of any importance was made by the Secretary of State,* under date of July 8th, 1842, and contained the following:

"We understand, and, indeed, collect from your Lordship's note, that with whatever opinion of her right to the disputed territory; England, in asserting it, has principally in view to maintain on her own soil her accustomed line of communication between Canada and New Brunswick. *We acknowledge the general justice and propriety of this object, and agree at once, that, with suitable equivalents, a conventional line ought to be such as to secure it to England. The question therefore simply is, what line will secure it?*"

The great object of Great Britain was that which she had vainly endeavored to obtain for thirty years—her line of communication between Canada and New Brunswick over American territory; and although the proposition had been indignantly rejected by all previous Administrations, the American representative, on this occasion, was "ready to acknowledge its general justice and propriety," and to "*agree at once*" to yield it, for "*suitable equivalents*," and only waited to ascertain what portion of the State of Maine England desired, and in what shape it would secure to her her favorite object. The value of this concession for the mere purposes of boundary and the advantages it gives Great Britain in a civil as well as a military point of view, is sketched by the Commissioners of Maine, in a despatch to Mr. Webster, Secretary of State, dated July 22d, 1842, as follows:

* MR. WEBSTER.

"It cannot be denied, that it preserves to us a frontier in a forest almost impenetrable on the north, which would defend itself by its own natural character, and that, if anything should be deducted from the agricultural value of that portion beyond the Madawaska settlements, on account of its ruggedness and its want of attraction to settlers, much may be added to its value as a boundary between the two nations. The value of this tract to Great Britain, *both in a civil and military point of view*, cannot be overlooked. It gives her the most central route for the movement of troops in war, and her mails and passengers in peace, and is most particularly important in case of renewed outbreaks in her North American colonies."

Mark, too, the significant language of Lord Brougham, already cited, as to the value of the Ashburton line.

I believe I have shown, Mr. President, that Maine was not only dismembered by this negotiation of equivalents, but that soil, sovereignty and military advantages were given to Great Britain which had been held sacred from the foundation of the government, and that we paid a price for transferring our own territory and for submitting to deep and lasting dishonor.

The right of search or of visit, was also a subject alluded to in my Oregon speech, which I insisted ought to have been settled at the same time with the North-eastern boundary—being no more nor less than the right claimed by Great Britain for her cruisers to board our merchant vessels, detain them on their passage, under the pretence of ascertaining whether they are really what they purport to be—American vessels—and entitled to the protection of the American flag—a right to be claimed and exercised in peace, as a justification for seizing, and impressing, and dragging the American sailor into foreign service in time of war. This right Great Britain had arrogantly and impudently asserted, and was exercising, in violation of the American flag and of our common right to the freedom of the seas. This atrocious assumption and infamous practice had been resisted by our government, in various forms and upon all occasions, until after the change of administration which the British government, according to Lord Palmerston, deemed so desirable to the adjustment of difficulties. This same Lord Palmerston, in insisting upon the right of search, in a despatch to Mr. Stevenson in 1841, defines it as follows:—

"Though, by common parlance, the word 'flag' is used to express

the test of nationality, and though, according to that acceptance of the word, her Majesty's government admit that British cruisers are not entitled, in time of peace, to search merchant vessels sailing under the American flag; yet her Majesty's government do not mean thereby to say that a merchantman can exempt himself from search by merely hoisting a piece of bunting, with the United States emblems and colors upon it; that which her Majesty's government mean is, that the rights of the United States flag exempts a vessel from search, when that vessel is provided with papers entitling her to wear that flag and proving her to be United States property, and navigated according to law. But this fact cannot be ascertained, unless an officer of the cruiser, whose duty it is to ascertain this fact, shall board the vessel; or unless the master of the merchantman shall bring his papers on board the cruiser," &c.

Here, it will be seen, this British "right" is unblushingly asserted, and we are sneeringly told that the "piece of bunting with the United States emblems and colors upon it," will not protect our merchants, unless they have the requisite papers, and that this must be determined by the insolence of British authority—by detaining the vessel and searching her papers, to determine whether she is a subject of search.

Lord Aberdeen, the successor of Lord Palmerston, in a like despatch, some two months later, asserts the same general doctrine, though in more guarded language, and says :

"It is obvious therefore that the utmost caution is necessary in the exercise of this right claimed by Great Britain. While we have recourse to the necessary, and indeed the only means of detecting imposture, the practice will be carefully guarded and limited to cases of strong suspicion. The undersigned begs to assure Mr. Stevenson that the most precise and positive instructions have been issued to her Majesty's officers on the subject."

This claim on the part of the British government, so revolting to every true American, so humiliating, degrading and dishonorable, was made the subject of indignant protest in the face of the world by our Minister at Paris, Mr. Cass; and was also met by bold and eloquent resistance by Mr. Stevenson, our Minister in London, and declared in an official despatch to Lord Aberdeen, to be "a violation of national rights and sovereignty and the incontestable principles of international law," the exercise of which might "lead to consequences of a painful character."

But notwithstanding the interest felt in this question by the American people, in the Ashburton negotiation the discussion was revived upon it and its miscreant accompaniment, impressment, sufficiently to show that they were open questions, and then they were left where they were found, unsettled, and besides, further embarrassed by the fact that they had been again the subject of discussion and again postponed to a more convenient season. But, Sir, did I say the right of search was left where it was found? The negotiation had not even this poor negative merit. The treaty compelled us to keep a fleet of not less than eighty guns in the African seas to act in concert with Great Britain in her crusade of mock benevolence. It chained us to the car of this huge Juggernaut, and compels us to do her bidding, and that, too, without providing that it should in the least exempt us from the exercise of the British right of search. It was not enough that our flag was insulted and our honor stained;—the right of search must be retained, and we not permitted to exercise our humanity in our own way, but we must be placed under the dominion of Great Britain, and compelled to send a fleet to the African seas to help search, to get rid of being searched, without any stipulation that even this abject submission should exempt us.

But there is another verse in this degrading chapter, according to the authority of Lord Brougham. We have already seen that Lord Aberdeen asserted and insisted upon the right to search American vessels by British cruisers, by boarding them, detaining them, and examining their papers, &c., with a view to determine by British optics the genuineness of their nationality. We have heard the language in which that flagrant doctrine was asserted, and the repudiation of its monstrous features by the agents of our government. But what response did this British assumption over American honor meet with in the Ashburton negotiation? Lord Brougham shall testify. In his speech before alluded to, in speaking of the right of search as contended for by Lord Aberdeen, he says:

“Then, what says Mr. Webster? At one of his first interviews with Lord Ashburton, when the subject was glanced at, Mr. Webster cut short all discussion by distinctly and categorically asserting that the question had been set completely at rest by the unanswered and unanswerable statement of my noble friend (Lord Aberdeen) to Mr. Ste-

venson. [The Marquis of Lansdown asked when this appeared in the papers.] It is not in any despatch. I have it in the statement of my noble friend, Lord Ashburton, made in his place as a Peer of Parliament, which I think sufficient to satisfy any mind as to what Mr. Webster said to him,—that the question had been forever settled by Lord Aberdeen's despatch to Mr. Stevenson. * * * I find it stated by Lord Aberdeen, in a letter to Mr. Fox, that he had no intention to renew the discussion upon the subject, which was the less necessary, as the Secretary of State, that is, Mr. Webster, had more than once, (I said once, I find that I understated the case,) more than once declared to the British Plenipotentiary, that is, Lord Ashburton, that the statements of Lord Aberdeen had been satisfactory."

When Great Britain asked for a portion of the State of Maine for the convenience of her military operations, though it had been denied her by all preceding administrations, under the Ashburton negotiations it was agreed at once to yield it. When she asserted the right to board our merchantmen, detain them on their passage, subject them to the domineering of British insolence, inspect their papers, and thus insult our flag, the whole length and breadth of this most offensive of even British doctrines was conceded, though until then it had been constantly repudiated and condemned by our government and execrated by the common judgment of mankind.

Again, sir, in my speech complained of, in enumerating the concessions made to Great Britain, I alluded to the destruction of the *Caroline*, the murder of Durfee, and the case of McLeod, and now refer to what I then said for a statement of the facts. My business is not with what Mr. Van Buren did not do, but with what the administration succeeding him did do, and to that I shall address myself. Although the destruction of the *Caroline* and the murder of Durfee took place at the close of 1837, and were soon thereafter the subjects of communication between the two governments, McLeod, the alleged murderer of Durfee, was not arrested until November 12, 1840, and the whole case was not therefore presented in its important bearings until after that time. Mr. Van Buren demanded reparation of the British government, and although he did not obtain it, he persisted in the demand, and it was in force at the close of his term of office unimpaired and unembarrassed by any acts or admissions of his administration. On the 13th of December, 1840, Mr. Fox, the British minister res-

ident at Washington, in an official despatch to Mr. Forsyth, then Secretary of State, informed him of the arrest of McLeod, and proceeded as follows :

“After a tedious and vexatious examination, Mr. McLeod was committed for trial, and he is now imprisoned in Lockport jail. I feel it my duty to call upon the government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod. It is well known that the destruction of the steamboat ‘Caroline’ was a public act of persons in her Majesty’s service, obeying the order of their superior authorities. That act, therefore, according to the usages of nations, can only be the subject of discussion between the two national governments. It cannot justly be made the ground of legal proceedings in the United States against the individuals concerned, who were bound to obey the authorities appointed by their own government.

“The question, however, of whether Mr. McLeod was or was not concerned in the destruction of the ‘Caroline’ is beside the purpose of the present communication. That act was the public act of persons obeying the constituted authorities of her Majesty’s province. The national government of the United States thought themselves called upon to remonstrate against it; and a remonstrance which the President did accordingly address to her Majesty’s government, is still, I believe, a pending subject of diplomatic discussion between her Majesty’s government and the United States legation in London. I feel, therefore, justified in expecting that the President’s government will see the justice and the necessity of causing the present immediate release of Mr. McLeod, as well as of taking such steps as may be requisite for preventing others of her Majesty’s subjects from being persecuted or molested in the United States in a similar manner for the future.”

To this extraordinary demand, Mr. Forsyth, on the 20th day of December, 1840, returned the following most patriotic and conclusive answer :

“The jurisdiction of the several States which constitute the Union is, within its appropriate sphere, perfectly independent of the federal government. The offence with which Mr. McLeod is charged was committed within the territory and against the laws and citizens of the State of New York, and is one that comes clearly within the competency of her tribunals. It does not, therefore, present an occasion where, under the constitution and laws of the Union, the interposition called for would be proper, or for which a warrant can be found in the powers with which the federal executive is invested. Nor would the circumstances to which you have referred, or the reasons you have urged,

justify the exertion of such a power if it existed. The transaction out of which the question arises presents the case of a most unjustifiable invasion, in time of peace, of a portion of the territory of the United States by a band of armed men from the adjacent territory of Canada; the forcible capture by them, within our own waters, and the subsequent destruction, of a steamboat, the property of a citizen of the United States, and the murder of one or more American citizens. If arrested at the time, the offenders might unquestionably have been brought to justice by the judicial authorities of the State within whose acknowledged territory these crimes were committed; and their subsequent voluntary entrance within that territory places them in the same situation. The President is not aware of any principle of international law, or, indeed, of reason or justice, which entitles such offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two governments. These methods of redress—the legal prosecution of the offenders, and the application to their government for satisfaction—are independent of each other, and may be separately and simultaneously pursued. The avowal or justification of the outrage by the British authorities, might be a ground of complaint with the government of the United States, distinct from the violation of the territory and laws of the State of New York. The application of the government of the Union to that of Great Britain for the redress of an authorized outrage of the peace, dignity, and rights of the United States, cannot deprive the State of New York of her undoubted right of vindicating, through the exercise of her judicial power, the property and lives of her citizens."

On the 29th of the same month, Mr. Fox replied, communicating his "vast regret and surprise" at the expression of Mr. Forsyth; admitted that the "Caroline" was, when destroyed, "within the territory of a friendly Power," but attempted to prove that its destruction and the murderous acts attending it, were necessary acts of "self-defence;" protested against the positions taken by Mr. Forsyth in his last communication, and darkly hinted at "grave and serious consequences." Mr. Forsyth two days afterwards acknowledged the receipt of this despatch, and added:

"Full evidence of that outrage has been presented to her Britannic Majesty's government, with a demand for redress; and of course no

discussion of the circumstances here, can be either useful or proper; nor can I suppose it to be your desire to insist on it."

Thus rested the question at the close of the Administration of Mr. Van Buren. On the 12th day of March, 1841, (being the eighth day of the new Administration,) Mr. Fox, the British Minister, addressed to Mr. Webster, the Secretary of State, a note, similar in language and sentiment to that previously addressed to Mr. Forsyth upon the same subject, and repeated the demand of the British Government for the release of McLeod. On the 15th of the same month, three days after the demand, the Secretary of State sent a communication to Mr. Crittenden, the Attorney General, reciting the circumstances and containing the following extraordinary and alarming doctrine:

"All that is intended to be said at present is, that since the attack on the *Caroline* is avowed as a national act which may justify reprisals, or even general war, if the government of the United States in the judgment which it shall form of the transaction and of its own duty, should see fit so to decide, yet that it raises a question entirely public and political—a question between independent nations—and that individuals concerned in it cannot be arrested and tried before the ordinary tribunals, as for a violation of municipal law. If the attack on the *Caroline* was unjustifiable, as this government has asserted, the law which has been violated is the law of nations, and the redress which is to be sought, is the redress authorized in such cases, by the provisions of that code."

A copy of this note was transmitted to Mr. Fox, in an official despatch, and he was informed by Mr. Webster, that:

"Soon after the date of Mr. Fox's last note, [the note demanding the release of McLeod,] an instruction was given to the Attorney General of the United States, from this [the State] department, by direction of the President, which fully sets forth the opinions of this government, on the subject of McLeod's imprisonment; a copy of which the undersigned has the honor to enclose."

We have, therefore, Mr. President, the opinions of the respective Administrations upon the same case, and will for a moment consider them in contrast. Mr. Forsyth says:

"The avowal or justification of the outrage by the British authorities, might be a ground of complaint with the government of the United States, distinct from the violation of the territory and laws of the State of New York. The application of the government of the Union, to that of Great Britain, for the redress of an authorized outrage of the peace, dignity and rights of the United States, cannot deprive the State of New York of her undoubted right of vindicating, through the exercise of her judicial power, the property and lives of her citizens."

Mr. Webster says:

"Since the attack on the *Caroline* is avowed as a national act, which may justify reprisals, or even general war, if the government of the United States, in the judgment which it shall form of the transaction and of its own duty, should see fit so to decide, yet that it raises a question entirely public and political—a question between independent nations—and that individuals concerned in it cannot be arrested and tried before ordinary tribunals, as for the violation of municipal law."

Mr. Forsyth says:

"If arrested at the time, the offenders might unquestionably have been brought to justice by the judicial authorities of the State within whose acknowledged territory these crimes were committed; and their subsequent voluntary entrance within that territory, places them in the same situation."

Mr. Webster says:

"Individuals concerned in it, cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law."

Mr. Forsyth says:

"The President is not aware of any principle of national law, or, indeed, of reason or justice, which entitles such offenders to impunity before the legal tribunals."

Mr. Webster, after saying that "they cannot be arrested and tried before the ordinary tribunals," adds:

"The law which has been violated is the law of nations, and the redress which is to be sought is the redress authorized, in such cases, by the provisions of that code."

Mr. Forsyth says :

"These methods of redress—the legal prosecution of the offenders, and the application to their government for satisfaction—are independent of each other, and may be separately and simultaneously pursued."

Mr. Webster says :

"It raises a question entirely public and political—one between independent nations—and that individuals concerned in it cannot be arrested or tried before the ordinary tribunals."

And yet the honorable Senator tells us that in the case of McLeod he did not think it proper to "gainsay the positions taken by Mr. Forsyth,"—and supposes that when Mr. Forsyth penned and transmitted his despatch he was not aware that the British government had avowed the act as the act of the government; and to prove this cites the concluding portion of Mr. Forsyth's despatch to Mr. Fox, that "this fact (the avowal) has not been before communicated," &c. Before when? I answer, before that despatch of Mr. Fox, to which he was then giving his answer. He did not say, as the Senator would have us understand him, that the fact had not been communicated; but that it had not been *before* communicated; before the last despatch of Mr. Fox; and he very properly added, after fully showing that it constituted no defence, and that the Federal government had nothing to do with it, that it belonged to the court, having cognizance of the offence, to pass upon its validity when established before it. The whole question—the circumstances under which the act was committed, the avowal and the demand—was before Mr. Forsyth when he penned his despatch, as will be seen by the letter of Mr. Fox to him, which places the demand upon the ground that "that act was the public act of persons obeying the constituted authorities of her Majesty's government." Besides, the reply of Mr. Forsyth covers the whole question, and denies that the offender could be shielded by his government, even though acting by its direction and authority, and even though it avow and justify the act.

The memory of the lamented Forsyth is the cherished prop-

erty of the people of this Union, and his name and his fame are his sufficient eulogy. He was the learned lawyer, the able statesman, the eloquent Senator and the spotless citizen, and well might this vitally interesting question of international law be left to rest upon the immutable basis where he placed it ;—but, Mr. President, this same question, whether the murderer of Durfee could claim exemption from trial and punishment, by reason of having acted under the authority of her Britannic Majesty's Government, was brought before the Supreme Court of New York—the court of her highest original jurisdiction in such cases—a court that, for its high character, is second to none in the Union. It was fully and ably argued ; was held under advisement from one term until another, and then decided by an elaborate and learned opinion, that the authority of Her Majesty's Government, and its avowal of the act, constituted no defence whatever, and that McLeod must be tried upon the merits like others charged with similar offences. And this decision of that high tribunal, at the time, the Honorable Senator informs us, excited his utter surprise ; and he now pronounces it, at the peril of his professional reputation, not respectable. And what was the doctrine that so surprised the Senator and the decision that he pronounces beneath respectability ? That a British felon, in an American court of justice, had the same, but no greater rights, than our own citizens. And who, sir, were the judges who gave this opinion in conflict with British sympathies, and which the Senator brands as not respectable ? Of the chief justice who then presided upon that bench *—distinguished by his spotless purity of character, his amenity of manners, his devotion to the public service and his high judicial attainments—it need only be said that he was called from the service of his own proud State, to adorn, by his learning and integrity, the highest judicial tribunal in our land. One of his associates, the present chief justice †—distinguished, too, for his strong integrity of purpose, for the compass and vigor of his mind,—for his great fund of good sense and sound judicial acquirements—has endeared himself to the people of that State, by his public services, and fixed the impress of his master mind and moral firmness upon her judicial institutions forever.

* HON. SAMUEL NELSON.

† HON. GREENE C. BRONSON.

It was my good fortune, Mr. President, to know well the eminent and lamented jurist who pronounced the opinion of the court in the case of McLeod.* He had learning which even the Senator from Massachusetts might covet, and virtues which all might contemplate with advantage. He discharged with fidelity all the relations of a blameless life—was a patriot and an honest man, and prematurely fell a victim to the labors of a profession which he loved and a station which he eminently adorned. His memory will be cherished with reverence, when the marble which tells of his resting place shall have mingled with its kindred dust; and hearts of purity and affection will cluster around the little spot of earth which covers his remains, when many of prouder and mightier pretensions shall live only in the remembrance of their vices and the wrongs they have inflicted upon mankind.

The doctrine held by the Supreme Court of New York, as well as by Mr. Forsyth, was that of justice and patriotism, and placed the foreign and domestic assassin upon the same ground. That contended for by the British government and adopted and advocated by the Honorable Senator, would place the life of every American citizen, from the highest to the lowest, at the mercy of the foreign assassin, without law to protect or punish, where a petty officer of a foreign government could be found to direct, or a government to avow, and a villain be hired to execute. A doctrine which might strike the heart of the citizen in his slumber; penetrate to the capital of State or nation, and assassinate the Governor in his chamber, the President in his mansion, you, sir, in your chair, or the Senator in his place. It is, sir, a doctrine of unalloyed atrocity;—one to light the torch of the incendiary for the performance of his hellish deeds,—to stimulate the pistol's flash and dagger's plunge,—to whet the knife of the foreign cut-throat, and nerve the arm that wields the murderer's bludgeon;—a doctrine to throw the ægis of British law over the foreign murderer, and exempt him from arrest or trial, while he seeks out his victim, strikes the deadly blow, and retires to his own government to receive his reward; when the American, for a like offence, would be made to languish where the iron enters into the soul, and to suffer a shameful and ignominious death.

* Hon. ESECK COWEN.

The Honorable Senator calls upon me to produce my authority for saying that in the McLeod affair there was a palpable and direct interference with the Courts of New York, and in a tone calculated to induce the supposition that no such authority exists. Sir, I have presented it once without comment, and will now present it with, and prove my assertion beyond cavil or contradiction. We have already seen that the administration despatched the Attorney General of the United States to New York, for some purpose concerning the trial of McLeod. His instructions, in regard to the destruction of the Caroline and the murder of Durfee, contained the following :

"Individuals concerned in it cannot be arrested and tried before the ordinary tribunals, as for the violation of municipal law. If the attack on the Caroline was unjustifiable, as this government has asserted, the law which has been violated is the law of nations, and the redress which is to be sought, is the redress authorized, in such cases, by the provisions of that code. * * *

"You will be furnished with a copy of this instruction for the use of the Executive of New York, and the Attorney General of that State. You will carry with you also authentic evidence of the recognition by the British government of the destruction of the Caroline, as an act of public force, done by national authority.

"Having consulted with the Governor, you will proceed to Lockport, or wherever else the trial may be holden, and furnish the prisoner's counsel with the evidence of which you will be in possession material to his defence. You will see that he have skilful and eminent counsel, if such be not already retained ; and, although you are not desired to act as counsel yourself, you will cause it to be signified to him and to the gentlemen who may conduct his defence, that it is the wish of this government, that, in case his defence be overruled by the court in which he shall be tried, proper steps be taken immediately for removing the cause, by writ of error, to the Supreme Court of the United States."

McLeod had been indicted for the murder of Durfee, whose life he boasted, before his arrest, he had taken, and exhibited the bloody weapon which he declared was the instrument of death. The question raised by the American Secretary was not whether he was guilty of the act, for that was to be determined by a jury upon his trial ; but it was whether he could be tried, as other persons who are charged with crime are tried ; the

Secretary contending that he could not. It was, sir, an interference, direct and palpable, with the course of justice in New York, for the Federal government to send a Federal officer to take any part in her administration of criminal justice; it was an officious menace to declare that an indicted murderer could not be "arrested and tried before the ordinary tribunals," because he was a British subject and had murdered by British authority, and to direct an appeal to the Federal Court if a contrary doctrine should be held. It was such interference to send a copy of these instructions to the Governor of the State where the criminal was charged, and to the Attorney General, whose duty it was to prosecute the indictment in behalf of the people, if directed by the Governor, for "their use." It was such interference to direct a Federal officer to proceed to the place of trial, and to do what he would not have done in the case of an American—"furnish the prisoner's counsel with evidence material to his defence," which his counsel could have procured, or it could have been furnished by the British Minister. It was such interference for the Federal government to direct its officer to see that the prisoner had skilful and eminent counsel—and, in case his defence—that of having murdered by authority—should be overruled, to have it signified to the prisoner and his counsel that it was "the wish of this Government," that the case should be removed by writ of error to the Federal Court.

In maintaining that there was not the "slightest interference" by the Federal government with the authorities of New York, the Honorable Senator produced and read a private letter written by himself to the Governor of New York, which alone, in my humble judgment, proves the interference it was produced to disprove.

"DEPARTMENT OF STATE, }
"WASHINGTON, March 17, 1841."

"MY DEAR SIR—The President has learned, not directly, but by means of a letter from a friend, that you had expressed a disposition to direct a *nolle prosequi* in the case of the indictment against McLeod, on being informed by this government that the British government had officially avowed the attack on the *Caroline*, as an act done by its own authority. The President directs me to express his thanks for the promptitude with which you appear disposed to perform an act which he supposes proper for the occasion, and which is calculated to relieve

this government from embarrassments, and the country from some danger of collision with a foreign power.

"You will have seen Mr. Crittenden, whom I take this occasion to commend to your kindest regard.

"I have the honor to be, yours truly,

"DANIEL WEBSTER.

"HIS EXCELLENCY WILLIAM H. SEWARD,

"Governor of New York."

Now, sir, why was the Federal government endeavoring to procure the entry of a *nolle prosequi* in a case in the Court of New York, if there was "not the slightest interference?" Or how came it to learn through a friend that such a course was contemplated; or to be so lavish of thanks, in a matter which in no wise concerned it; or to volunteer the opinion that it was "proper for the occasion?" The Senator, on the supposition that I had alleged the suing out of a *habeas corpus* by the prisoner as an interference by others, although I had made no allusion to it in that respect, inquired in what school I had been taught? My answer is, in the school of the State which sent me here; where I learned that a murderer cannot claim exemption from law because he is a British subject;—in the courts of which State the Senator often appears as counsel in important causes, and ought to be familiar with its constitution and laws. And yet he writes to the Governor of New York expressing his gratification that the Governor had manifested a disposition to direct a *nolle prosequi* to be entered in the case of McLeod, and thanks him for the promptitude with which he was about to discharge an indicted British murderer without trial, because such action was "proper for the occasion;"—when there is not, probably, an intelligent man nor woman in that State but knows that the Governor has no more power over the indictment, before conviction, than the image which surmounts the Capitol at Albany.

That Lord Ashburton had full authority to treat of all these questions is shown by both his own and Mr. Webster's first despatches; for Lord Ashburton says his mission had been determined by his sovereign "by an unfeigned desire to settle this (the North-eastern boundary) and all other questions of difference," and Mr. Webster says he was charged by the Queen's government "with full powers to negotiate and settle

all matters in discussion between the United States and England." Then why, I repeat, were not all matters in difference, of which these questions formed a conspicuous part, settled; and the settlement only made to include that one which was then embarrassing to Great Britain and which she was anxious to dispose of, when with less sacrifices the whole could have been honorably adjusted?

And why did Great Britain wish then to dispose of the question of the North-eastern boundary? She saw that it was the time for her to gain military advantages. She saw too that the brave and hardy sons of Maine had resolved no longer to brook her insolence and outrage, but were rallying to the defence of their own soil and the maintenance of their rights upon their own responsibility, regardless of her threats, and in defiance of her power. At this period the condition of the world filled the mind of the British government with fearful apprehension. The dark catalogue of wrongs which she had visited upon mankind rose up before her, and spirits of evil, like the visions which disturbed the slumbers of the guilty Richard, filled her imagination with terror and consternation. She remembered that her serpent monarchy was strangled when it crawled around the cradle of our infant Hercules. She remembered the fate of the serried hosts she had destined to revel amid the "beauty and booty" of a sacked and plundered city. She heard the echo of the guns which subdued her pride upon the ocean wave, and conquered her fleets upon Champlain and Erie. She saw the glaring eye-balls of her own starving subjects turning upon her in madness and desperation, and heaved to her mighty centre with the throes of approaching dissolution. She saw the Celestial Empire arousing from inertness and lethargy to avenge the rapine which had been visited upon its people in the name of benevolence and Christianity. She saw the fierce Affghan poisoning his spear in his mountain passes, cherishing his wild revenge, and biding his time to repay her butchery in kind. She saw another Hyder Ally laying waste the Carnatic with blood and desolation, and a Tippoo Saib dying desperately with sabre in hand, amid heaps upon heaps of her slaughtered countrymen. She saw an Irish Parliament assembling upon College Green, and the brave and generous

sons of Erin taking their proud station with the nations of the earth. She saw the aged King of an impulsive and revolutionary race descending to his resting place, and heard in the distance the fearful cry of "Regency! Regency!" This, Mr. President, induced her to cultivate with us pacific relations, and might, and ought, to have secured to us an honorable settlement of all matters in difference.

But the honorable Senator from Massachusetts assures us that our honor was not compromised in the matter of the Caroline;—that a proper explanation and apology was obtained from Great Britain and accepted by our government in full satisfaction of the outrage. This apology, sir, we will read; but should first adequately prepare our minds for an occasion so momentous as beholding this haughty power humbled before us. Genius of Britannia, "if you have tears prepare to shed them now!" Your proud flag must be lowered;—your spirit shall now be bowed and broken! Daughter of Columbia, rejoice!—your great and tyrannic rival has been vanquished, and satisfaction has at last been extorted for the invasion of your soil and the murder of your children. Ah, Victoria, Victoria! This is the day of American triumph and of British humiliation! The apology has been wrung from her, and here it is,—painful and humiliating to Great Britain, it is true,—but she is rendering high and solemn satisfaction for the violation of American territory, and the blood of an American citizen, murdered in his slumbers. She speaks in the language of Lord Ashburton:—

"Nearly five years are now passed since this occurrence; there has been time for the public to deliberate upon it calmly; and I believe I may take it to be the opinion of candid and honorable men, that the British officers who executed this transaction, and their Government who approved it, intended no slight or disrespect to the sovereign authority of the United States. That they intended no such disrespect I can most solemnly affirm, and I trust it will be admitted that no inference to the contrary can be fairly drawn, even by the most susceptible, on points of national honor."

Here the noble lord pauses for breath, and, for a moment, consoles himself and soothes his antagonist by describing the quiet and Chesterfieldian manner in which the heroes of the

torch and those who wielded the instruments of blood performed their several parts and executed their purpose:—

“The time of night was purposely selected as most likely to secure the execution with the least loss of life; and it is expressly stated that, the strength of the current not permitting the vessel to be carried off, and it being necessary to destroy her by fire, she was drawn into the stream for the express purpose of preventing injury to persons or property of the inhabitants of Schlosser.”

And now for the rest of the apology, diluted slightly with the residue of the justification:—

“Although it is believed that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion that there were grounds of justification as strong as were ever presented in such cases, and, above all, that no slight of the authority of the United States was ever intended, yet it must be admitted that there was, in the hurried execution of this necessary service, a violation of territory; and I am instructed to assure you that her Majesty’s government consider this a most *serious fact*, and that, far from thinking an event of this kind should be lightly risked, they would unfeignedly deprecate its occurrence. Looking back at what passed at this distance of time, what is, perhaps, most to be regretted is, that some explanation and apology for this occurrence was not immediately made; this, with a frank explanation of the necessity of the case, might, and probably would, have prevented much of the exasperation and of the subsequent complaints and recriminations to which it gave rise.”

And here is the acceptance, by our government, of this singular apology:—

“Seeing that the transaction is not recent; having happened in the time of one of his predecessors; seeing that your lordship, in the name of your government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States; seeing that it is acknowledged that, whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your government considers that as a most *serious occurrence*; seeing finally that it is now admitted that an explanation and apology for this violation was due at the time, the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your lordship’s letter, and will make this subject, as a

complaint of violation of territory, the topic of no further discussion between the two governments."

And now justice is satisfied;—insulted honor has been vindicated;—the violation of American soil, the destruction of American property, the blood of an American citizen have been atoned for—and the British lion, humbled and subdued, is released from thralldom, and may depart in peace! But what further? We find a return compliment—a counter apology for the apology of Lord Ashburton, made on behalf of our government by the Secretary of State; for it seems that even the apology obtained, was also upon the principle of "equivalents." It is as follows:—

"It was a subject of regret that the release of McLeod was so long delayed. A State court, and that not of the highest jurisdiction, decided that, on summary application, embarrassed as it would appear by technical difficulties, he could not be released by that court. His discharge shortly afterwards by a jury, to whom he preferred to submit his case, rendered unnecessary the further prosecution of the legal question. It is for the Congress of the United States, whose attention has been called to the subject, to say what further provision ought to be made to expedite proceedings in such cases."

Can any one fail to discover in all this an utter want of proper national spirit, and a truckling to the Power at whose hands we had demanded redress for signal wrongs? And, Mr. President, how was it viewed in Europe and in the British Parliament? In the speech of Lord Brougham, before mentioned, he says:

"It is said, however, that my noble friend [Lord Ashburton] made an apology on the subject of the Caroline. Did he? Here is the language of this so-called apology. He is speaking of those who went across the St. Lawrence and cut out the Caroline, and who committed the act of hostility and of invasion of the American territory; and if my noble friend made an apology, we must expect to hear him use the language of apology. You will expect to hear him saying—'We are sorry for it; we will never do so any more; we admit that we are wrong and that you are right; and we beg that you will accept this declaration as apology for what we have done.' This is the sort of language which, when men talk of an apology, you may expect me to

read as the language of my noble friend. But what does he really say? 'I might safely put it to any candid man acquainted with the state of the circumstances, whether the military commander could, on the 24th of December, reasonably expect that he could be relieved by any American authority.' "

"It arose out of the case of McLeod, which was not only declared to be an unlucky one by my noble friend, but was also admitted by Mr. Webster to be so; for he says in the very next paper to that from which I have already quoted, that 'it is a subject of regret that the release of McLeod should have been so long delayed.' I do not attempt to triumph over the United States because of this admission. I do not assume to look down on the American Secretary on account of it. I do not wish to seize hold of this sentence as an apology, and therefore a humiliation of America. But after all that I have heard said about my noble friend having made an apology, I really must say that the tone of the passage which I have just read does look to me much more like an apology than anything which is to be found in any part of my noble friend's despatches. It is couched in the appointed phraseology of apology, the terms used by men when they feel they have done wrong, and wish to be pardoned by the injured party. * * *

"Ten days before my noble friend turned his back upon the country where his negotiation had been so satisfactorily concluded, a law received the assent of the President, altering the Constitution; giving the power that was so jealously looked upon, and rendering it impossible, henceforth and forever, that such a case as McLeod's could occur any more. I apprehend, therefore, that in that part of the negotiation which referred to the Caroline, the success of the negotiation has been triumphant and complete."

And now, sir, having closed a review of this whole subject, let me inquire whether, in the history of the world a parallel can be found. Terms were accepted, indignities brooked, apologies tendered, and sacrifices made, which, unless I err in every impulse of my nature, in every faculty and conclusion of my judgment, should never have been submitted to nor entertained for a moment. The administration in power at the time of these occurrences, refused to negotiate concerning the destruction of the Caroline, until reparation should be tendered by the British government; but its successor caused its representative to sit down at the council board of the nation with the ambassador of those whose unwashed hands were yet dripping with the blood of an American citizen;—an indignity to which no other nation ever submitted;—one which even degraded and super-

annuated Spain or fitful and powerless Mexico would have resisted to the death, and spurned with the most unmitigated scorn. And yet, sir, this great, free and powerful confederacy has drunk deeply of this cup of humiliation. McNab, who planned the invasion and murder, has been knighted by the Queen.

“While Durfee's ghost walks unrevenged amongst us.”

I have now done, after tendering to the Senate my acknowledgments for its attention, and an apology for having detained it so long, in a matter so much personal in its bearing, and adding my assurance that it shall depend upon others rather than myself whether I shall ever ask its indulgence upon a like occasion.

SPEECH

ON THE ACQUISITION OF TERRITORY, AND THE FORMATION OF GOVERNMENTS FOR THE TERRITORIES.—THE DOCTRINE OF “POPULAR SOVEREIGNTY” PROPOSED AND DEFENDED.

DELIVERED IN THE SENATE OF THE UNITED STATES, JANUARY 12, 1848.

[The following resolutions, introduced by Mr. Dickinson, on the 14th of December, 1847, came up in order for consideration :

“ *Resolved*, That true policy requires the government of the United States to strengthen its political and commercial relations upon this continent, by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained ; and that neither in such acquisition nor in the territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for or established, inconsistent with the right of the people thereof to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

“ *Resolved*, That, in organizing a territorial government for territories belonging to the United States, the principle of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislatures chosen by the people thereof.”

The resolutions having been read by the Secretary, Mr. Dickinson, addressing the Senate, said :]

MR. PRESIDENT—We are admonished by the exigencies of the times and the prevailing sentiment of the American people, to strengthen our political and commercial relations upon this continent by the annexation of such contiguous territory as can be justly obtained, as well for the positive benefits the acquisition may confer, as to shut out forever, as far as practicable, the pernicious influences and impertinent intermeddlings of European monarchy. And while the circumstances under which this policy may properly be enforced, are too varied and contingent to be enumerated or suggested, the state of our relations,

both foreign and domestic, demand that it be fully declared before the world: We have been compelled by misguided Mexico to resort to the *ultima ratio* of nations for an adjustment of grievances. With her capital, her ports, her fortifications, and principal towns in our possession, she spurns all proposals for accommodation, and we have no alternative left, consistent with national spirit or self-respect, but to retain of the possessions allotted us by the tribunal of her own selection, ample indemnity for the wrongs she has heaped upon our government and people. But should she in some sane moment consent to negotiate, she can furnish indemnity only in territory, and this government can accept of no terms but such as give full compensation; so that whether we have peace or war, treaty or no treaty, the question of territorial acquisition cannot be avoided. Had we remained at peace with Mexico, the same policy of acquisition would sooner or later have been presented; and should a treaty of peace be negotiated, and a full indemnity be paid in money, of which there is no prospect, the question of extending our possessions even then could not long be postponed. Although clearly demanded by national interests, and almost universally favored by the American people, this policy has been embarrassed by an element of irritation calculated to arrest, if not defeat it altogether. Some who profess to favor it, do so only upon condition that domestic slavery shall be prohibited by Congress in any acquired territory; others, with marked determination, oppose any increase with such restrictions; and both these classes propose to coöperate with the opponents of acquisition, unless their peculiar views respectively are adopted.

Believing that a policy so eminently national should not thus be defeated or put at hazard; that the legislation of Congress can have little influence over the domestic regulation of territory; that its temporary government is a matter of secondary importance compared with the policy of acquisition, and that its domestic regulation may be safely intrusted to those most deeply interested in the institutions they may establish,—I have introduced these resolutions. They were presented that the Senate might form and pronounce its judgment before the country upon the two great questions embraced therein, which engage so large a share of the public consideration. They do not, as is supposed by some, bring here, with its profitless discussions and

exciting consequences, the vexed question of slavery, for it was here before them ; but they propose to transfer it hence, and leave, under the Constitution, all questions concerning the admission or prohibition of this institution in the Territories, to the inhabitants thereof, that its intrusion may not hereafter arrest the policy, defeat the measures, or disturb the councils of the nation. They were offered in the hope that all who believe in the great cardinal principle of freedom—the capacity of man for his own government—would harmonize conflicting opinions, and unite upon this common ground of justice and equality.

The people of the original States declared “that to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity,” they established the Constitution. Although the Articles of Confederation, which gave place to this instrument, provided for the admission of Canada to the Union, and the comprehensive terms employed to explain the objects of the Constitution show that no narrow territorial boundaries were contemplated, it is apparent that few statesmen at that early period foresaw the early growth we were destined to attain. The wisest and ablest of the time timidly negotiated for years, at the close of the last century, for the right of navigating the Mississippi, and proposed to fix upon that river as the western boundary of the United States forever. And in treating for the territory of Louisiana, our government sought to procure only a portion, and the greatest share was virtually taken upon compulsion. The policy which from acquisition has already given to this Union four sovereign States, and holds others in reserve, was at the time assailed with a virulence and denunciation, and threats of disunion, which may be profitably consulted rather than copied by those who are alarmed by, or propose to repeat, the cry of territorial aggrandizement. (Louisiana, too, was a Spanish province, contained a foreign population, strangers to our form of government, and was transferred with its people from Spain to France, and from France to the United States, within a few hours ; and yet, what State has been more faithful to the Union, or more ably represented ?

Territory beyond the Mississippi was then regarded as almost without the pale of probable civilization, and the expedi-

tion of Lewis and Clark to the mouth of the Columbia, where the mail of the United States is now regularly distributed, was hailed as an epoch in the history of North American enterprise and daring. But the tide of emigration and the course of empire have since been westward. Cities and towns have sprung up from the shores of the Pacific, and the river we essayed to fix as our western, now passes nearest to our eastern boundary. From three, our population has increased to twenty millions—from thirteen, to twenty-nine States, with others in the process of formation and on their way to the Union. Two great European Powers have withdrawn from the continent, yielding us their possessions; and from the northern lakes to the Gulf of Mexico, from the St. Lawrence to the Mississippi, numerous aboriginal nations have been displaced before the resistless tide of our prevailing arts, arms, and free principles; and whoever will look back upon the past, and forward upon the future, must see, that, allured by the justice of our institutions, before the close of the present century, this continent will teem with a free population of upwards of a hundred million souls. Nor have we yet fulfilled the destiny allotted us. New territory is spread out for us to subdue and fertilize; new races are presented for us to civilize, educate, and absorb; new triumphs for us to achieve for the cause of freedom.

North America presents to the eye one great geographical system, every portion of which, under the present facilities for communication, may be made more accessible to every other than were the original States to each other at the time they formed the Union; it is soon to become the commercial centre of the world. And the period is by no means remote, when man, regarding his own wants and impulses, and yielding to the influences of laws more potent than those which prescribe artificial boundaries, will ordain that it shall be united in political as well as natural bonds, and form but one political system, and that, a free, confederated, self-governed republic, represented in a common hall in the great valley of the West—exhibiting to an admiring world the mighty results which have been achieved for freedom in the western hemisphere. Then will a more perfect Union be formed, and justice be established upon enduring foundations—the domestic tranquillity ensured, the common defence be provided for, the general

welfare promoted, and the blessings of liberty secured to posterity.

Our form of government is admirably adapted to extend empire. Founded in the virtue and intelligence of the people, and deriving its just powers from the consent of the governed, its influences are as powerful for good at the remotest limits as at the political centre. We are unlike all communities which have gone before us, and illustrations drawn from comparing us with them, are unjust and erroneous. The social order which characterizes our system is as unlike the military republics of other times, as is the religion of the Saviour of men to the impositions of Mahomet. Our system wins by its justice, while theirs sought to terrify by its power. Our territorial boundary may span the continent, our population be quadrupled, and the number of our States be doubled, without inconvenience or danger. Every member of the Union would still sustain itself, and contribute its influences for the general good; every pillar would stand erect, and impart strength and beauty to the edifice. In matters of national legislation, a numerous population, extended territory, and diversified interests, would tend to reform abuses which would otherwise remain unredressed, to preserve the rights of the States, and to bring back the course of legislation from the centralism to which it is hastening. One-half the legislation now brought before Congress would be left undone, as it should be; a large portion of the residue would be presented to the consideration of State Legislatures; and Congress would be enabled to dispose of all matters within the scope of its legitimate functions without inconvenience or delay.

The present political relations of this continent cannot long continue, and it becomes this nation to be prepared for the change which awaits it. If the subjects of the British Crown shall consent to be ruled through all time by a distant cabinet, Mexico cannot long exist under the misrule of marauders and their pronunciamientos; and this was as clearly apparent before as since the existence of the war. If, then, just acquisition is the true policy of this government, as it clearly is, it should be pursued by a steady and unyielding purpose, and characterized by the sternest principles of national justice. It should not rashly anticipate the great results which are in progress, nor thrust aside the fruits when they are produced and presented.

The national existence of Mexico is in her own keeping, but is more endangered at this time by her own imbecility and stubbornness—her national ignorance and brutality—than from the war we are prosecuting and all its consequences. She has been hastening to ruin for years upon the flood-tide of profligacy and corruption; and if she is now rescued, and her downfall arrested and postponed for a season, it may justly be attributed to the salutary influences of the chastisement she has received. But a majority of her people belong to the fated aboriginal races, who can neither uphold government, nor be restrained by it; who flourish only amid the haunts of savage indolence, and perish under, if they do not recede before, the influences of civilization. Like their doomed brethren, who were once spread over the several States of the Union, they are destined, by laws above human agency, to give way to a stronger race, from this continent or another. What has been the national progress of Mexico? When our population was three millions, hers was five; and when ours is twenty, hers is eight; and while we have attained the highest rank among the nations of the earth, she has fallen so low that there is little left to wound her feelings or degrade her character. She has existed as an independent government, if her fretful and confused being may be thus dignified, almost a quarter of a century, and has changed her government by military revolution, during that period, almost as many times as she has existed years. She has an extended and somewhat populous territory, without an authorized government or the means of instituting one, or the virtue or intelligence to uphold it. The rights of her people are ill defined and worse protected. She has now neither army, navy, nor means of national defence—no treasury nor system of revenue. She has national antipathies and resentments, but neither national spirit nor national virtue; and has thus far dragged out her wretched existence, like the eagle of mythology, chained to the rock, gnawing at her own vitals. Her valuable mines, rich agricultural regions, and desirable harbors, present a tempting occasion for European rapacity to revive upon this continent their execrable proposal to regulate the balance of power, in furtherance of which, England has already commenced seizing upon South American possessions.

And should our army now be withdrawn, leaving her

deluded people the prey of the ferocious spirits who have hastened her downfall, we may expect to see some supernumerary of the House of Bourbon placed at their head to play automaton to the British Cabinet. The policy of extending our jurisdiction over any portion of Mexican territory, is a question between Europe and America—between monarchy and freedom—and not between the United States and the republic of Mexico; and we should not hesitate to extend our protection to such provinces as are held by us in undisturbed possession now, and patiently await the development of the future. Should the progress of events, without injustice on our part, open to the enterprise of our citizens the rich mining and agricultural districts of that country, and infuse among this semi-barbarous people the blessings of civilization; should the valuable trade which has been monopolized by England be enjoyed by the States, and our mint coin the money of the world; and should a passage across the Isthmus be obtained, placing the mouth of the Columbia within two weeks sail of New Orleans, and valuable Pacific harbors be permanently secured, so indispensable to the protection of our vast trade in that sea, and our settlements upon that coast,—there would be no occasion for lamentation or alarm. The day is not far distant when all this and much more will be realized, through a process as fixed and unyielding as the laws of gravitation. And whenever the time which is to determine whether entire Mexico shall come within the jurisdiction of the United States, or become a colonial dependent upon European power, the duty of this government will admit of neither doubt or hesitation.

But we have the question of territorial extension directly presented for our consideration. The President, in his annual message, recommends that the provinces of New Mexico and California, now quietly held by us, be permanently retained as indemnity, and subjected to the civil jurisdiction of the United States. Upon this just recommendation of the Executive we shall soon be called to act; and while the great mass of the American people will approve the suggestion, some will crave our sympathies while they mourn over what they are pleased to term the “dismemberment of Mexico.” Let those who may, indulge this misplaced and sickly sentiment. Such of the

Mexican people as may have the good fortune to fall within our jurisdiction, should it be the entire population, would be objects of envy rather than of commiseration, and may regard it as a special interposition of Providential favor. They would find a repose which they have never experienced, and a protection for life, liberty, and property, to which they are strangers. They would exchange a lawless and irresponsible despotism for a government of opinion; wild and debasing habits for rational civilization; the precarious subsistence of savage life for the wholesome rewards of productive industry; the devastations of war for the arts of peace. Our government would rear in their midst the genial influences of equality, and secure to the hand of industry the bread of its earning. It would elevate their condition in the scale of moral and social being, and infuse amongst them the vigilant and manly spirit which actuates our people. It would leave them with all just relations to each other, enjoying the religion they venerate, and the altars where they are wont to worship. To them, the consequences of a "dismemberment" would be such as were experienced by the inhabitants of Louisiana and Florida, when France and Spain were respectively "dismembered" of these fertile territories. Russia "dismembered" Poland, that the order of despotism might reign at Warsaw. But America "dismembered" monarchy, that the blessings of civil liberty might be extended upon the continent.

While the object of the government is not "dismemberment," our troops cannot be withdrawn without fatal consequences, and deep and lasting dishonor; and if Mexico persists in her course of blind injustice, the results are easily anticipated. The war with Mexico is not a war of conquest. Conquests were not its objects; and yet, they may be among its fortunate incidents. A nation engaged in war may, by the law of nations, rightfully conquer all the territory it can subdue, and hold it as its own. So much are conquests deemed the property of the conqueror, that when a treaty of peace is made, the territory conquered is deemed the property of the conqueror, unless the treaty stipulates for the surrender; nor does this conquest extinguish a debt due the conqueror before the commencement of the war. The conquests we have gained in Mexico are ours, without yielding to her any equiv-

alent. We have won the sovereignty over them honestly, fairly, and legally, by the law of nations; and in treating with her, she is entitled to just what we may think proper to give her for relinquishing her right to reconquer them, and it is worth just what good judgment may dictate. And whenever she proposes to treat upon this principle, we are morally bound to treat with her. We cannot virtuously continue the war for the mere purpose of making further conquests; but we can virtuously continue it to the subjection of the whole of Mexico, if she will not make peace with us upon just and honorable terms, or, if we choose, upon such terms as shall have due reference to the territory we have acquired by conquest. The question of boundary is a fair subject of negotiation. We proposed negotiation, which she refused. She proffered war, which we accepted, and she has no right to complain of the result of the issue she herself tendered us, and we have a right to enjoy what the chances of war have thrown into our hands. The disparity of force has been in favor of Mexico. What we have brought into the field has had no influence in producing results. The strength was immeasurably on her side when, upon her own soil, her population, or even her forces in the field, are compared with our invading army. Under like circumstances, when we were only three millions strong, we contended successfully against the power of Great Britain; and Spain contended in like manner against the forces of Napoleon.

Neither national justice nor national morality requires us tamely to surrender our Mexican conquests; nor should such be the policy of the government, if it would advance the cause of national freedom, or secure its enjoyment to the people of Mexico. But whatever may be the policy touching Mexican conquests, we cannot, if we would, restore New Mexico and California to that government, for the reason that they will not be restored. The laws which control the policy of territorial acquisition are beyond the control of legislation. Fountains of tears may be shed over the dismemberment of Mexico; supplies to our gallant army may be refused, and it may be called back from its field of glory, or compelled to *retreat* therefrom to a "defensive line," or be disbanded and dismissed; and the people holding these provinces will not

consent to go where there is only anarchy, violence, and oppression. Give back these provinces! As well return to Great Britain what was once her colonial possessions; give back Louisiana to France, Florida to Spain, Texas to Mexico. Neither the solemnities of legislative enactments nor the sanctions of the treaty-making power can compel them to return; and if it is attempted by strength of arms, it will require a greater force than has yet been engaged in the Mexican war. These provinces are ours by every principle of justice and of international law. They have been purchased upon the battlefields of Mexico by a bravery which has not been excelled in the history of mankind. The consideration has been too dearly paid, and our title-deeds are written in the best blood of our sons. Let, then, the laws of humanity and peace be extended over them, and they be dedicated forever to the cause of freedom.

The principle declared by the last clause of the first resolution, that no conditions can be constitutionally imposed upon any territorial acquisition, inconsistent with the right of the people thereof to form a free, sovereign State, with the powers and privileges of the original members of the Confederacy, I deem too obvious for serious argument. Whatever laws Congress may constitutionally enact for the regulation of the territories of the United States, are subject to be altered or repealed at pleasure. The ancient Medes and Persians declared their edicts unalterable; but no such power is vested in the American Congress; and those who propose to have it enact "unalterable and fundamental" laws, employ terms which, if they have duly considered, they do not comprehend. Every State admitted to the Union, from the moment of its admission, enjoys all the rights of sovereignty common to every other State. The Constitution carries along with it its own definitions of sovereignty, and if any State is prohibited from any of the rights of every other, then it is not, in the sense contemplated, a sovereign State. If it is admitted with a constitution authorizing domestic slavery, it may change its constitution so as to prohibit it at its pleasure. If its constitution at the time of its admission prohibits slavery, it may change so as to authorize it, and this, too, regardless of any legislation upon the subject by Congress or otherwise, before

its admission to the Union. In other words, every State, after its admission, may, in virtue of its own sovereign power as regards its domestic affairs, establish or abolish this institution, whatever may have been the conditions imposed, or attempted to be imposed, upon it during its Territorial existence.

The second resolution declares that the principle of self-government upon which the federative system rests will be best promoted, the true spirit and meaning of the Constitution observed, and the Confederacy strengthened, by leaving all questions concerning the domestic regulation of territory to the legislatures chosen by the people thereof.

It must be conceded by all, that Congress has no inherent power over this subject, and no more right to legislate concerning it than the British Parliament, unless such authority is delegated by the Constitution. The only clause of the Constitution which is supposed to confer upon Congress the right to legislate for the people of a Territory, is as follows:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States," &c.

In providing legislation for the District of Columbia, and for places occupied by the government of the United States for fortifications and other erections required by the public service, the Constitution thus confers the power upon Congress:

"To exercise exclusive legislation in all cases whatever, in such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, of ck-yards, and other needful buildings."

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by the clause of the Constitution first above cited, it is that territory is mentioned in its material, and not in tical sense, for it is classed with "other property," and is authorized to dispose of and make all needful

rules and regulations respecting both. In the other section they are separated, and Congress is authorized to legislate over all places occupied for public structures, but no such authority is extended to territory. The language of the Constitution is that of great precision—free from repetition—and every word was well weighed in its positive and relative sense. And if its framers had supposed the phrase “needful rules and regulations” authorized legislation over places belonging to the United States, and used for public service, they would scarcely have authorized legislation over such places in express language in another section. Again, in providing legislation for the District of Columbia, Congress is authorized to “exercise exclusive legislation” over it. Now, if the words “needful rules and regulations” were deemed proper and apt language to confer legislative authority over the internal affairs of a Territory, why were they not employed to authorize legislation over the District? And to reverse the order of the inquiry, if it was intended to confer upon Congress the power thus to legislate over territory, why was it not given in the same, or equivalent express terms as in authorizing legislation for the District? From this view, there is little doubt that a strict construction would deny to Congress the right to legislate for the domestic affairs of the people of a Territory without their consent.

Congress has, however, upon various occasions, exercised legislative power over the subject, especially in incorporating into the law organizing Territories the provisions of the ordinance of 1787; and this has been acquiesced in by the people of the Territories so organized. The ordinance was framed under the old Confederacy, for the government of the North-western Territory, and the sixth article forbade slavery or involuntary servitude therein. Its validity has often been questioned, and its adoption was pronounced by Mr. Madison to be “without the least color of constitutional law.” But whether authorized or not, having been passed before the adoption of the Constitution, the act has no authority as a precedent for like practice under it. In erecting territorial governments since the adoption of the Constitution, the action of Congress has not been uniform. In organizing the North-western Territories, the provisions of the ordinance relating to slavery have

been extended to some, and withheld from others standing in the same geographical relation to the States, and such forms of organization as have been proposed by Congress have met with general acquiescence. But this has neither given the right to Congress nor taken it from the people of the Territories. The Missouri compromise cannot be regarded as an ordinary act of legislation, upon the majority principle. It was rather in the nature of a compact, not adopted as such, to be sure, but assented to or acquiesced in by all the States through their representatives in Congress or otherwise. Whether it has force in the Territories or not, depends upon the construction of the Constitution already discussed; but it has no binding force upon a State beyond that of moral obligation. In the annexation of Texas, the Missouri compromise line was extended by a majority vote; but it was disregarded by that State in her domestic organization, nor has any department of the general government or any other power save her own people, any control over it. This furnishes a practical illustration of the value of "unalterable" provisions by Congress in the organization of territory. It is not denied that if the people of the Territory acquiesce in, or adopt the form of domestic government proposed for them by Congress, it becomes their own, having all the force of law until they "alter or abolish it." But this gives to Congress no constitutional right to enforce its legislation upon the people of the Territories against their will, and much less does it prohibit the people of the State in embryo from exercising their own inherent right of sovereignty in their domestic affairs.

The resolution declares that the domestic policy of the people of a Territory should be left with them; and if that power resides in Congress, as is contended, it should be delegated to the people of the Territory, and be exercised by them. From the Declaration of Independence to the adoption of the Constitution, every act of those who erected our system of government indicates a prevailing confidence in the capacity and integrity of the people, and a lively distrust of delegated power; and if we permit ourselves to depart from the letter of the Constitution in search of its true spirit and meaning, we should keep steadily in view this great popular and controlling feature. But it is not my purpose to discuss further the abstract right

of Congress to legislate upon this subject. Whatever power may or may not rest in Congress under the Constitution, that instrument could not take from the people of the Territories the right to prescribe their own domestic policy; nor has it attempted any such office. The principles declared by this resolution are older and stronger than written laws and paper constitutions—principles which lie at the foundation of free institutions, and from which laws and constitutions emanate—inculcating the doctrine that the inherent, original power of self-government was derived by man from the Sovereign of the Universe; and that government is the creature of man, and not man the creature of government.

The republican theory teaches that sovereignty resides with the people of a State, and not with its political organization; and the Declaration of Independence recognizes the right of the people to alter or abolish and reconstruct their government. If sovereignty resides with the people and not with the organization, it rests as well with the people of a Territory, in all that concerns their internal condition, as with the people of an organized State. And if it is the right of the people, by virtue of their innate sovereignty, to "alter or abolish," and reconstruct their government, it is the right of the inhabitants of Territories, by virtue of the same inborn attribute, in all that appertains to their domestic concerns, to fashion one suited to their condition. And if, in this respect, a form of government is proposed to them by the federal government, and adopted or acquiesced in by them, they may afterwards alter or abolish it at pleasure. Although the government of a Territory has not the same sovereign power as the government of a State in its political relations, the people of a Territory have, in all that appertains to their internal condition, the same sovereign rights as the people of a State. While Congress may exercise its legislation over territory so far as is necessary to protect the interests of the United States, the legislation of the people should be exercised by themselves under the Constitution.

The mental and physical organization of man teaches that he is better fitted for self-government than for the government of his neighbor; and if he is incapable of discharging this duty to himself, he should not be intrusted with the destiny of others. The system of government—whether temporary or permanent,

whether applied to States, provinces, or territories—is radically wrong, and has within itself all the elements of monarchical oppression, which permits the representatives of one community to legislate for the domestic regulation of another to which they are not responsible; which practically allows New York and Massachusetts, and other Atlantic States, to give local laws to Oregon, Minnesota, and Nebraska, to whom and to whose interests, wishes, and condition, they are strangers.

Nor is this objection raised here for the first time. Prominent in the catalogue of grievances alleged by our fathers against the British king and his ministers, was one “for suspending our own legislatures, and declaring themselves invested with power to legislate for us.” Whenever or wherever a community of individuals have been subjected to the dominion of some external authority, it has been upon the plea of necessity—the same plea by which tyrants and usurpers have justified their enormities from the foundation of the world; and this was the plea of the British king.

The genius of our federative system is self-government. It is the foundation upon which the ark of our political safety rests. Our fathers proclaimed, that, to secure the inalienable rights vouchsafed to man, governments were instituted, deriving their just power from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

All experience has indicated man's capacity for the exercise of this exalted attribute, and wherever civilized and intelligent men have been cast together without the benefit of conventional forms of government, they have proceeded to enact them. They who planted the germ of a powerful empire upon the Pilgrim's rock, before landing from the Mayflower, drew up and signed the following charter of liberty:

“Having undertaken for the glory of God, and the advancement of the Christian faith, and the honor and being of our country, a voyage to plant the first colony in the northern part of Virginia, we do by these presents, solemnly and mutually, in the presence of God, and of one another, covenant and combine ourselves together into a civil body pol-

itic, for our better ordering, and preservation, and furtherance of the ends aforesaid. And by virtue hereof, do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience."

And the inhabitants of Oregon, three thousand miles distant, in the absence of that guardian care which Congress has been wont to extend to other Territories nearer the political centre, established and have in successful operation a provisional government, in which, of their own volition, without the assistance of "ordinances," "provisos," or "unalterable fundamental articles," they prohibited domestic slavery throughout the Territory.

The great experiment of self-government has been fairly tried, and has either succeeded or failed. If it has taught that, after all, man, by reason of inherent defects of character, is incapable of its successful exercise except in populous communities matured by age, and that he must remain in pupilage until that season has arrived, we should boast no more that the mysterious problem of human government has been solved, but read the Declaration of Independence backwards, and cause the clause which proclaims that gratifying truth to be expunged, or amended by a "proviso." We should acknowledge the theory of free government to be a fable; that the darkness of the human intellect has been found to predominate, and that the gloomy sophisms of the timid, and the malignant speculations of the envious, have prevailed.

I have already shown that the whole structure of our system favored the idea of domestic government by the people of Territories; that it was their right, and the question is fully presented, whether, in view of their capacity for its judicious exercise, it is expedient to leave their internal policy under the Constitution with themselves. Any system which denies this in theory or in practice, or which seeks to withhold it from the primary settlements until they shall become populous and mature States, is founded in the same spirit of popular distrust, by which the few have, from the earliest history of man, under the plea of necessity, been endeavoring to restrict the many in

the exercise of freedom. It inculcates a system of slavery ten-fold more abject than that it professes to discountenance. It is the same spirit which has murmured its distrust at the extension of our territorial boundaries, and trembled for the perpetuity of the Union on the admission of a new State; which looks upon free suffrage with consternation, and with holy horror upon the naturalization of foreigners; which would itself enslave one race, lest they should tolerate a system which holds in bondage another. It is the offspring of bigotry and intolerance, and should have fulfilled its mission during the middle ages. All experience has shown, that tens of thousands in the sparse settlements are as competent to judge of their own condition, and are as much devoted to the support of law and order, as are the hundreds of thousands in populous towns and cities; and that all questions concerning their domestic policy may be safely confided to them. When our country has been disgraced by violence and disorder, and disregard of law, it has been confined to the populous towns and cities, and has not extended to the border settlements. Should the domestic legislation of Territories be left with their local legislatures, it would transfer from the halls of Congress the bootless sectional struggles which have created bitterness at home, and served to degrade our institutions in the eyes of the world. It would leave local communities, Territories as well as States, to consult their own interests, wishes, and sense of propriety, and to erect or prohibit, continue or abolish, such institutions as may not be repugnant to the principles of the Constitution. It would leave the federal government free to pursue its onward course unembarrassed by matters of sectional moment, over which its control is questionable, and must be partial and temporary. It would relieve the benevolent statesman from the strife and irritation which now beset him, and allow his energies to be devoted to the best interests of the nation, and the amelioration of the condition of man. It would harmonize with the genial spirit of the Constitution, and uphold its symmetrical framework. It would practically acknowledge man's capacity for self-government, and vindicate the integrity of his race. The same spirit by which freedom is nourished would be nourished by it, and society be bound together by ties of amity and interest.

Then would our territorial soil be *free*—not by restrictions, provisions, and the threatening mandates of federal legislation, but free and sacred to the cause of freedom; free for its people to lay the foundations of its government on such principles, and organize its powers in such form as to them shall seem most likely to effect their safety and happiness, freedom of opinion, of the press, of religion, of education, of commercial intercourse. Having vindicated for the people of the Territories the same rights of self-government enjoyed by every other political community, I forbear to speculate whether they will be less discreet in its exercise than would those who desire to subject them to the influences of an external government. Let those who fear to intrust a people with their own domestic concerns, lest they should prove too weak or wicked to conduct them judiciously, resort to the mistaken and mischievous policy of restrictive legislation—a system founded in blind and selfish conceits, and as impotent in effect as it is narrow in design. Such territory as we acquire will be free, and thus I would leave its people and its domestic government; free as are the people of New York or of Virginia to lay the foundation of their government on such principles and organize its powers in such form, as to them shall seem most likely to effect their security, prosperity, and happiness. If they shall fail to do this, the experiment of self-government will fail with them.

It is nought to me how various, crude, or inconsistent are the speculations upon the principles which these resolutions contain, and what would be their effect if established. They stand upon the immutable basis of self-government, and will ultimately be vindicated and sustained by the American people in every section of the Union. But they will be opposed on grounds as various as the motives by which the opposition is induced. This is already evidenced by sections of the public press; which I notice, not as newspaper paragraphs merely, but for the interests they represent. Already the *Charleston Mercury* of South Carolina—a paper of conceded ability and extensive local influence—declares that their effect would be, to prohibit forever slavery in the acquired territory, and therefore, as a guardian of the slave interest, calls for their rejection; and papers in other sections, which employ the slave

question as a political stalking-horse, to minister to the appetites of the morbid and alarm the fears of the timid, discover in them not only the effect but the design to propagate and extend slavery. But I leave these conflicting theories to be adjusted by those who are thus enabled to penetrate the future, and draw opposite results from the same premises ; I leave the practical tests with those who shall be charged with the high responsibilities of their own government, under our glorious free system, under the Constitution it has framed and the Providence which has watched over it.

It would doubtless be well for those who represent these antagonisms, who feel that all newly acquired territory may be pre-occupied and monopolized, either by free labor on the one hand or by slave labor on the other, as the case may be, unless their favorite ideas are indulged, to remember that there are other dangers, either real or imaginary, to which it may be exposed if left to the free government of its own people. Our institutions invite the children of every clime to sit down under the wide-spreading branches of the tree of liberty, and we have no prohibitory or even *protective* impost duties upon social manners and customs, political opinions, or religious rites. It may be that the rugged Russian, allured by the gentle breezes of Mexico, may fall down from his hyperborean regions with his serfdom and his military rule ; or the Turk choose to regale himself there with his pipes and mocha, his Georgian houris, sensual delights, and Mohammedan divinity ; or, what is equally probable, as our Pacific possessions place us in direct communication with Asia, that the plains of Mexico may be desecrated by the trundling of the car of Juggernaut ; or the subjects of the Celestial emperor—the brother of the sun and moon—may hurry thither, and ruin all agricultural interests by converting them into an extensive field of hyson.

But let those who entertain them dismiss all selfish and idle fears, regard others as wise, and as virtuous, and as capable of their own government, as themselves, and all will be well. The spirit of freedom will enlarge her own boundaries, and people *the* area, in obedience to laws stronger than the laws of Congress. The rich heritage we enjoy was won by the common blood and treasure of the North and South, the East and

the West, and was defended and vindicated by the same, in the second war of independence ; and in the present war with a reckless and semi-barbarous foe, the brave sons of every section of the Union have fought and fallen side by side ; the parched sands of Mexico have drunk together the best blood of New York and South Carolina. These recollections should renew and strengthen the ties which unite the members of the confederacy, and cause them to spurn all attempts at provoking sectional jealousies and irritations, calculated to disturb the harmony and shake the stability of the Union. In the language of Mr. Jefferson, they who indulge "this treason against human hope will signalize their epoch in future history as the counterpart of the model of their predecessors."

SPEECH,

ON THE BILL TO ESTABLISH TERRITORIAL GOVERNMENTS IN
OREGON, CALIFORNIA, AND NEW MEXICO,

DELIVERED IN THE SENATE OF THE UNITED STATES, July 22, July 28, and
August 13, 1848.

MR. PRESIDENT—It will be recollected that the motion to refer this subject to a select committee was made by the honorable Senator from Delaware,* after an irritating debate of many days, which gave, at that time, no promise of termination, which was entirely sectional in its character, and was every day and every hour making the breach wider and the line broader which separates members of this Union from each other upon the question of domestic slavery. I hailed the motion to refer as a proposition of peace, and so announced at the time upon the floor of the Senate. To such a pitch, indeed, had the feelings of some become excited, that upon a motion to raise this committee, with a view to some satisfactory disposition of the question, the Senator from Connecticut † denounced all action, or even the attempt to adjust it, in advance; and declared, in substance, that Senators who should vote for any compromise of this question would be burned in effigy in some sections of the Union. This, sir, had very little influence upon me at the time; for I regard it as a very suitable proceeding, that those who have no better reasons or arguments to offer, should make images, as heartless and worthless as themselves, upon which to vent their brutal fury. Such threats, or even their execution, have no terrors for me;—they did not influence nor control my action at the time, nor will they now or hereafter. This committee was raised upon the

* MR. CLAYTON

† MR. NILES.

motion of an experienced Senator, whose views upon the question which so much disturbs the harmony of the Union are known to be moderate and conciliatory. It was raised for the purpose of effecting a fair, honorable and constitutional adjustment, and of giving law and order to three great empires, now destitute of either.

\ The vote of the Senate ordering the committee, though strongly resisted by those who desire to keep the question open, was about three to one, and the members were elected nearly unanimously. They entered upon their labors with every disposition to discharge the duties cast upon them by the Senate, with the strictest fidelity. They saw Oregon—which had long been without law, except such as its inhabitants, without legal organization, but associated as a provisional government, had furnished—the prey of ferocious tribes of savages, who were murdering its defenceless people; and they felt deeply the necessity of extending the protecting ægis of our laws and Constitution over it—of strengthening its hands, and placing it on its way to the Union; and they placed the Oregon bill in a form to which none, as it seems to me, can object, unless such objection is taken without comprehending its provisions, or for the mere purpose of cavil. They saw the provinces of California and New Mexico destitute of any law whatever, except such as had been left by a subjugated people, and with no authority to administer even that—all military authority having terminated with the treaty of peace. They found the subject of organizing these Territories—divided in opinion as they were, and as they knew the Senate to be—full of difficulty; and, after much labor and interchange of opinion, presented the bill in its present form, as the best and most acceptable that could be presented with any approach to unanimity or hope of success before the Senate.

If the South asked too much, and the North was willing to concede too little, they have neither given to the one nor taken from the other. They have not encroached upon the rights of either. They have left the question of slavery where they found it—subject to the Constitution and laws of the United States; while, at the same time, they have placed the Territories on their way to the Union, by the organization of pro-

visional governments, which are restrained from any legislation that can embarrass this difficult subject. That is what has been done. They have not given an elective legislature to the Territories of New Mexico and California, for the reason that but few of the people are there who are to control their destiny. But they have extended the laws and Constitution over them, and provided for the appointment, by the President and Senate, of officers who will carry them into execution. They have also provided that these officers may make local laws, or police regulations, as they may be more properly called, restraining them from acting upon the subject of slavery, one way or the other, whilst all their laws must be brought here for our revision. The whole matter may be summed up in the inquiry: "Is there any evil to be apprehended from extending the laws and Constitution of the United States over these Territories, and enforcing them there, until the people are in a condition to legislate for themselves?" The bill does not, in all respects, suit my personal views, but it is the best we could produce by agreement; its duration is to be temporary, and I support it cheerfully.

Mr. NILES here explained, that what he had said about burning in effigy related to what had taken place in years past. He thought Mr. DICKINSON did not truly represent the sentiment in his State; and, in approving of this bill, had taken ground inconsistent with his speech at the commencement of the session. He also said the bill was skulking and cowardly.

Mr. DICKINSON. It seems, when the honorable Senator referred to Senators being burned in effigy, that he alluded to what had been done—that he made the reference to influence the past, and not the present nor the future. It struck me as a most extraordinary remark in the Senate of the United States, and, even with the explanation which has been given, I do not regard it in any other light. It is certainly no honor to be burned in effigy; but as that proceeding is the resort only of the coward and the ruffian, it inflicts no disgrace; neither shall I be induced to alter my views in any respect by such a threat, nor by the allusion to the fact, that a portion of my constituents have other views. I shall be my own judge of what are the wishes of my constituents. While opposed to slavery, they are opposed to useless and mischie-

vous agitation, tending to no good, but calculated, if not intended, to create sectional jealousy and strife, and destroy the harmony of the Union; and they will frown upon those who, for any purpose, or any pretence, shall lend themselves to these schemes of disturbance and agitation. By what authority does the Senator call me to account? Where did he obtain his warrant? I would say to the honorable Senator, in the language of a book with which he is perhaps familiar, "Who art thou that judgest another man's servant? to his own master he standeth or falleth." But, sir, if the Senator can show that I am responsible to him, I will render him my reasons for my course with pleasure. And, in the mean time, when he shall have rendered an account of his own stewardship to his constituents upon all the great questions of the last few years, in the language of the banker, if he has "anything over," and I need it, I will draw on him.

The Senator says that my position is inconsistent with a speech which I delivered here at the early part of the session.

If I had, on reviewing a former opinion, believed it to be erroneous, I would not, for the mere sake of seeming to be consistent, refuse to become wiser on the subject. But my present position is in perfect harmony with that assumed by me on the occasion to which the honorable Senator has alluded. Allow me to recall his attention to the resolution which I had the honor to introduce. It was as follows:

Resolved, That in organizing a territorial government for territory belonging to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the legislature chosen by the people thereof.

This is the resolution, and the speech embraced the same views *in extenso*.

Now, so far as the Oregon bill is concerned, it recognizes the very letter the principle of that resolution; and I would here add, as I feel at liberty to do, that in committee I voted for the extension of it to New Mexico and California; but my brethren of the committee overruled me, and I do not say that their reasons were not good—because the people now inhabit-

ing those Territories, many of them, are but half civilized, and are perhaps not qualified to exercise all the rights of government, and it was deemed best for the present to give them a provisional government in this form. These Territories have been thus placed on their way to the very end which I suggested; and if the arrangement does not fully come up to my resolution, the spirit of it is substantially carried out. But whether so or not, is perfectly immaterial to my purpose or to the American people. I have no purposes to serve but to procure the organization of these Territories in the best possible form. And this is no skulking bill, as asserted by the Senator from Connecticut, unless the Constitution is a coward, and the laws of the United States skulk. The Constitution and laws are extended over these Territories in the place of the bludgeon, the dagger, and the rifle, which now bear rule there. The Senator from Connecticut is in favor of leaving these as the "lords paramount," in order that they may be free! I mean to establish there the freedom of government, and not the freedom of the cut-throat. I would extend the laws there, to preserve life, liberty, and property, and leave them as free as God and our institutions leave them, to come into this Union according to the conditions of our national compact.

I did not rise to discuss this bill, but I am not to be misrepresented. I know the fevered feeling on this subject, and I am not ignorant of the attempts to fan it. It has been said that this is a bill in accordance with the views of the Senator from South Carolina. Suppose it is, is it to be condemned for that, if its provisions are just? Much as I respect that gentleman and his great experience, I do not think the bill is better or worse for meeting his approbation, although it is well known, that in all respects, it does not fully accord with his wishes. But why did the Senator from Connecticut speak of the bill as having received the sanction of the Senator from South Carolina, unless he meant the people of the North to believe that it must be a little worse for that reason? We all know that the Senator from South Carolina has his peculiar views, but I will do him the justice to say, that upon this committee he exhibited every disposition to be conciliatory, and to yield as far as he consistently could. Such, indeed, was the spirit manifested by all the members of the committee. They

brought forward the best project which, on the whole, they could present. The Senator has asked, if I approve the bill? with my whole heart. For one, I could go much further. I do The bill does not meet all my views by any means; but the Constitution itself was made up of compromises on this subject, and our action in regard to it must be in the same spirit.

At the close of the debate on the morning of the 20th July, 1848—

Mr. DICKINSON said: As a member of the select committee who joined in reporting the bill under consideration, Mr. President, I have listened in silence, through a continuous session of twenty-one hours, to the recital of new speeches and the repetition of old ones, some of which were both calculated and intended to consume time and prevent the action of the Senate upon the bill; and now at day dawn, exhausted as I am, I deem it due to the occasion to review briefly the history of this matter, and to say a few words, chiefly in vindication of the course of the committee, which has been so wantonly and ungenerously assailed. But I know how severely the patience and endurance of the Senate have been tried, and if there is a single friend of the bill who objects to my proceeding, I will cheerfully forego my intention, that the vote may at once be taken. [Cries of "Go on, go on," from all parts of the chamber.]

The duty of preparing a bill upon this subject was devolved upon the committee by an order of the Senate, and the members selected to discharge the high duty were chosen by a vote nearly unanimous. None sought or could have desired a duty so delicate and responsible. No one who loved his country or had the manhood to act up to the emergency, was at liberty to decline it. To myself, if I would have avoided responsibility, was the task peculiarly thankless and irksome; for it is well known, that in the State which I have the honor in part to represent, besides the usual feeling against the institution of slavery common to the citizens of all free States—besides the fevered condition of the public mind, stimulated by every artificial means that can be invented, and the Utopian

idea of honest fanaticism that this and all the other ills of life can be cured by legislation, there is a political organization founded in and having for its object the agitation of this dangerous and disturbing element, which lives, and moves, and has its vagrant being, in creating and fostering sectional jealousy, irritation, and strife. Every individual who refuses to join in or bow down to this unholy and ruthless crusade is marked out for reprobation, and the sluices of unmitigated calumny and detraction are opened upon his head. Every one who dares to breast the blind fury of the storm is, so far as power is vouchsafed to faction, doomed to speedy and fearful destruction, and this attempt to quiet forever the excitement from which it derives its aliment has opened afresh the fountains of its bitterness, and made it more fierce and revengeful than a bear bereaved of her whelps.

But called upon to act in a matter so pregnant with weal or woe, I have endeavored to discharge the duty, regardless of personal considerations; and I thank heaven that it has fallen to my lot to play an humble part in this mission of peace. It has met the resistance which any other bill calculated to settle the question upon terms just and honorable to all sections of the Union would have met by those who, for political ends, are willing to traffic in the harmony and integrity of the Union through the presidential campaign. I have carefully watched the developments of this yearling benevolence from its lawless conception to its present threatening magnitude. I know well the insatiate appetite it is to feed and the revenge it is designed to glut. I have opposed the desolating progress of its fell and ferocious spirit over this fair and happy land, and was long since pointed out as the victim of its vengeance. But, sir, I set it at defiance. I have discharged my duty fearlessly, and now let it do its worst. "My head is uncovered, and my bosom bare." But I shall not act merely upon the defensive. I shall tear the veil from the face of Mokanna, and exhibit to the gaze of an insulted and indignant people the corrupt materials from which this cry of spurious philanthropy is ascending. I shall appeal from Philip drunk to Philip sober—from the demagogues who direct and inflame the agitation to the intelligent masses of the people. I shall arraign for trial both the masters and the workmen, as well those who set

it on foot elsewhere as those who speak for it here; nor shall I be restrained or diverted, or permit others to be deceived, by the parrot-cry of "free soil," so often and so flippantly repeated.

I respect with a feeling akin to reverence the sentiment entertained by the great masses of those I represent, upon the subject of domestic slavery. I know how deeply its existence is deplored by the true philanthropist, and how earnestly has benevolence endeavored to devise means to mitigate the evil. Nor shall I call in question those who differ with me upon the propriety or advantage of federal legislation upon the subject. I entertain the same respect for their opinions that I claim for my own. But from whence comes so suddenly this fervid cry of benevolence, philanthropy, and "free soil?" Is it from those who have been distinguished by their deeds of charity?—those who have watched by the bed of sickness, who have consoled afflicted humanity, fed the hungry, and clothed the naked? No, sir; no. First and foremost in the ranks, and loudest in the clamor, is the mildewed and seedy politician—the heartless demagogue—the profligate libertine, and the shameless hypocrite, mouthing their professions of superior sanctity, and giving lessons in philanthropy and morals to honest men. And for what purpose, and to what end, are our ears stunned by the outcry of this new-fledged zeal in the cause of freedom? That the dangerous element in our institutions, which required all the wisdom and forbearance of the great and pure spirits of the Revolution to reconcile, which has once since shaken the Union from centre to circumference, and now disturbs its harmony and threatens its integrity, may be used as a partisan stock in trade through the presidential campaign; that the repose of the political cemetery may be broken, and the putrescent remains of deceased officials exhumed, and restored to life and hope, and honors and emoluments, by the resurrecting process of this political galvanism.

This great family of States, of dissimilar local institutions and diversified interests, agreed to associate upon terms of mutual concession for the general good. The question then was, and still is, whether we should have a Union with slavery, or slavery without a Union. The faith in which they became parties to the compact should be preserved in letter and spirit.

In domestic controversies, whether of individuals or States—the most bitter and relentless of all human struggles—it matters little whether one party or the other, or both, is in the wrong, they are characterized by the same undying hate, the same fierce passion, and the same destruction of all that is happiness and peace; and he who contributes to stir and provoke the sources of irritation, however carefully he may disguise it, will be held in the sight of God an enemy of his race.

But what is the bill to which so many objections, inconsistent with themselves and with each other, have been taken, and which one listening to the wholesale assertions of those who oppose it would suppose both abolished slavery wherever it existed, and extended it throughout Christendom. Those who oppose it from the North declare that it provides for the “extension of slavery” throughout the Territories through all time. Those who resist it from the South insist, with equal confidence, that it excludes it forever; while those who read it correctly, and understand its provisions, will see that it does neither the one nor the other, but leaves that question, under the constitution, to the judicial tribunals of the country, from which it cannot and ought not to be taken, and by which it must finally be decided, let the legislation of Congress be what it may. Congress cannot, if it would, take the decision from the judicial tribunals of the country, and should not attempt to. If the Constitution gives the right of the master to hold his slave there so long as it remains a Territory, as is insisted on one hand and denied on the other, a prohibitory act of Congress could not prevent it; and we have left it in the most favorable shape to be fairly tested.

For that part of Oregon which was not given to Great Britain by the votes of “free soil” Senators, the bill gives a delegate in Congress, a governor, judges, courts, and an elective territorial legislature, and authorizes these to enact laws for themselves which shall be valid and operative, unless disapproved and annulled by the action of Congress. It provides that the present provisional laws of Oregon shall remain in force for three months after the assembling of the first territorial legislature, and gives the legislature power to re-enact and continue them, or any portion of them, or not, at its pleasure. And this is called “abolishing freedom!”

For each of the Territories of New Mexico and California, it gives a governor, judges, secretary, attorney, marshal, &c., to be appointed by the President and Senate. It organizes courts of justice, and authorizes the governor and judges to act as a legislative council, and to pass, or rather to propose, temporary laws for the government of the people—such proposed laws not to take effect until approved by Congress. But the governor and judges, being appointees of the President, and not elected by the voice of the people, are prohibited from passing laws respecting slavery. They are also prohibited from legislating for establishing religion, for the primary disposition of the soil, or to pledge the faith of the Territory for debt. From questions arising in these Territories, and decided by their courts, there is an appeal to the Supreme Court of the United States. In this form, substantially, were most of the early territorial governments of the United States organized. The government is designed to be merely temporary—to give the people of those distant provinces, and those who may desire to go there, the protecting benefits of law, while it leaves the rights of all, whether individuals, States, or Territories, whether positive or relative, unprejudiced, as they now exist, subject to and upheld by all the rights and guaranties of the Constitution and the laws of the United States, and open to the future legislation of Congress when the population there shall demand or justify a more popular form of government, and a more auspicious period shall enable Congress to act under less embarrassment. And this is denominated the “extension of slavery.”

The objections which are urged against this bill by the *par excellence* advocates of “free soil,” are as puerile and far-fetched as they are captious and inconsistent. They object, because it gives the people of Oregon the right to legislate for themselves, and complain that it does not give that privilege to the people of New Mexico and California. They insist that Congress shall legislate on the subject of slavery in the Territories, and affect to tremble because the territorial laws are subject to the supervision of Congress, lest it may, perchance, “abolish freedom!” They profess to favor popular liberty, and yet insist that a hasty and imperfect code of laws, designed to suit the earliest condition of the people of Oregon, and

framed under the influence of a British corporation, whether good, bad, or indifferent; whether mischievous or useful; whether the people desire to retain them, or wish to abolish them,—shall, without alteration, or change of section or syllable, now or hereafter, be forced upon the people of the Territory so long as they shall remain such, and go down from one generation to another, *nolens volens*. And all this is proposed in the name of freedom! A baser specimen of quack legislation never disfigured the records of civilized men! A blacker decree of despotism, in principle, was never fulminated since the edict of Nantes! And has it, indeed, come to this, that the sons of those who raised the standard of revolution, because they were denied the privilege of colonial legislation by the tyranny and oppression of George the Third, now seek to deny to a young and adventurous people, three thousand miles distant, who have gone out from amongst us, the priceless boon of self-government, subject, too, to the supervision of Congress—lest, perchance, if we do not rivet shackles upon their sturdy limbs forever by the omnipotence of federal legislation, they may have less regard for themselves than we have for them, and, in the cant phrase of the “free soil” vocabulary, “abolish freedom?”

They have consumed reams of paper in proving that the inhabitants of New Mexico and California were incapable of appreciating the benefits of popular government, and ought not to be invested with its powers and privileges; and yet they murmur, because, in the proposed temporary provision, they are not placed upon a par with the inhabitants of Oregon; and they affect to see in this, as they do in everything else that proposes to settle this disturbing question, a foul plot for the “extension of slavery.” They have exhausted the sources of common law from the days of Elizabeth; have grouped the adjudged cases from all the courts, Territorial, State, and Federal, and have read Congressional history out of countenance, in strengthening their arguments and compilations, to prove that slavery was the creature of municipal law, and could not go to these Territories, unless sanctioned by the authority of positive legislation by Congress; and yet they stultify themselves, and assert, with an assurance which is a tolerable substitute for sincerity, that the bill which prohibits all legislation upon the subject, provides

for the "extension of slavery!" The cause must be desperate indeed, and reduced to necessities most pitiable and abject, which requires of its advocates such humiliating service. They assert their belief that the slaveholder will rush into these Territories, and hold his slaves there, regardless of law; and yet they refuse to give them courts of justice, and withhold that first and last and only guarantee of him who is unlawfully restrained of his liberty—the *habeas corpus*. They are willing and anxious that these Territories should be left without the protection of law, subject to the aggressions of what they term the "slave power," or anything else, and they especially remonstrate against placing them under the security of the laws and Constitution of the United States, and thus protecting life, liberty, and property, because that would be, say they, an "extension of slavery!" The expression of the Senator from Delaware,* that the conflicting claims would be adjusted by judicial decisions, under the silent operations of the Constitution, has been particularly excepted to, and repeated as if of great significance.

The disposition of this profitless struggle by the "silent operations of the Constitution," is the last thing agitators desire. It would overthrow their Ephesian goddess, whose greatness they will proclaim so long as she furnishes them profitable employment. It would destroy the meat upon which the Cæsars feed, and hope to grow so great in power and office. Well may they cry out against the "silent operations of the Constitution," which is to scatter their cherished hopes to the winds, by taking the place of pretension, and turbulence, and anarchy, and strife, and disunion. They tremble at the mention of law and courts of justice, and fly from the "silent operations of the Constitution," as the Devil is said to flee at the sight of holy water. The Constitution, that great chart laid down by the fathers of the Republic, to direct us in moments of darkness and peril, is distrusted and impeached; and in their haste to denounce the bill, and inflame the excitement, with "free soil" upon their lips, and forgetting that the Constitution cannot be controlled or overrode by law, they declare and repeat, that leaving the question to the *operations of the Constitution is the*

* MR. CLAYTON.

"*extension of slavery!*"—thus conceding away the whole ground upon which Northern men profess to stand, and admitting and insisting, with those of extreme opinions at the South, without reserve or qualification, *that the Constitution of itself authorizes the extension of slavery into the Territories where it did not exist before!*—a doctrine which has never before been asserted, much less advocated, at the North, and upon which the ablest statesmen and lawyers of the South are by no means unanimous.

But again: the bill is declared by my honorable colleague, and the Senator from Connecticut, to be a "device of timidity," avoiding responsibility, and settling nothing. The charge of *timidity*, and an evasion of responsibility, comes with an ill grace, indeed, from those who, for the last six weeks, have been shaking in their shoes, lest they should be compelled to meet this question openly, and take one side or the other; who have been endeavoring, by oft-repeated and persevering efforts, by every "device" that "timidity" could suggest, and by any and every combination that could be formed upon either side of the Chamber, to procure a final adjournment, regardless of the state of the public business, that they might avoid the responsibility of action, that the question might not be settled, and that it might be shuffled over the next election, for the benefit of free-soil agitators, and of those who prefer to stand before the country as favoring both sides. If, sir, there has been any unmanly shirking, any attempt to avoid responsibility, any exhibitions of timidity and want of true nerve, it does not rest with those who have fearlessly met this great emergency, but upon those—and I charge it home upon them—who, professing other objects and purposes, would adjourn Congress, and deny to their fellow-beings upon the borders of civilization, the protection of our Constitution and laws, lest the paltry schemes of a disorganizing and unprincipled faction should be overthrown, and its alimnt destroyed. The Senator from New Hampshire * stands out in honorable contrast with some of those who unite with him in opposition to the bill. He takes the responsibility of his independent position manfully, and does not attempt to accomplish his ends under cover of pretences and disguises. He puts forth his opinions, and avows his intentions openly, and im-

* MR. HALE.

peaches not the motives of those who oppose him. He has the frankness to declare that if he had confidence in the integrity of the Supreme Court, he should be satisfied with the constitutional disposition proposed by the bill; but distrusting its integrity, he is unwilling to leave the question to its adjudication. Although he will find few, very few, I trust, to concur with him in the opinion he entertains of that high tribunal, he merits our respect for meeting the bill with an objection which is neither childish nor evasive, nor intended to misstate the question nor deceive the people.

But other Senators (and conspicuous among them the Senator from Connecticut,* whose sense of the necessity of free soil increases as the political campaign progresses) have, in lieu of even an apology for arguments, so far forgotten what was due to their position, if not to themselves, as to assail the committee in a tone and in language which should have been left to demagogues out of doors. Sir, that committee were, like every other committee, entitled to respect, whether their report was wise or unwise—whether it met the views of the Senate, or the views of individual Senators only. To say nothing of its junior members in official life, it numbered men whose advanced age and whose long public service should have shielded them from attacks so wanton and ruthless—men, with some of whom I have never acted politically, but who, I take pleasure in saying, have long been looked to by the country as the great landmarks of the Constitution. There was the Senator from South Carolina,† the Senator from Delaware,‡ and the Senator from Vermont,§ who may well look down and laugh to scorn the assaults of those who are engaged in playing a desperate political game, for purposes too well understood. Could those who have been so furiously censorious have seen that committee associated—have witnessed their days of toil and nights of study—their deep solicitude over the matter that had been confided to them—and, above all, witnessed how patriotism can rise above the miserable schemes of party agitation, and look difficulty and danger full in the face, they would have returned from the contemplation wiser if not with a more just spirit.

Sir, do we not all see and know that the longer this question

* MR. NILES. † MR. CALHOUN. ‡ MR. CLAYTON. § MR. PHELPS.

is postponed, the more difficult the adjustment? Is it not apparent to all, that this, in substance, is the only mode by which we can hope to give these Territories governments? Does any one expect to procure the insertion of that political catholicism, the "ordinance of 1787?" And if he does, does he not know that it is not stronger than the Constitution; and that it must still be left to the courts to say whether slavery is justified there, or whether it is not? "To this complexion it must come at last;" and let the action of Congress be one way or the other, its final disposition was given by the Constitution to the Supreme Court of the United States, and there it must rest.

Sir, I remember, from the lips of those who wrought out this glorious heritage of hope, the blood, and tears, and anguish its purchase cost; and shall it now be placed in jeopardy? I see this great and beautiful fabric made the sport of those who would raze it to its foundation, and leave it a shapeless pile of ruins, to carry out an abstraction—to feed a revengeful craving, and minister to selfish ends. I see abroad a spirit which would cause this fair and fertile plain to be despoiled by the ploughshare of ruin, and covered over with ashes and desolation. I see the blear-eyed demon of destruction let loose like Satan to blast and wither all that is bright and beautiful—to set man against his brother in strife and contention, until hungry hounds shall dispute over the carcasses of those who have last been murdered. Sir, I arraign these architects of ruin in the name of the liberty they invoke, for treason against mankind, and present them for trial and judgment before the people they would betray, and the institutions they would destroy. There let them stand, pale and trembling, until the final verdict of condemnation which awaits them.

On the 13th of August, 1848, at the close of the debate upon the bill to establish a Territorial Government in Oregon, and for other purposes—

Mr. DICKINSON said: I have, from the commencement of the session, devoted the best energies of my mind to establish governments in the Territories of Oregon, New Mexico, and California. For that purpose, upon the Select Committee of eight which presented the "compromise bill," I yielded individual

wishes and opinions to secure unanimity. On the consideration of that bill in the Senate, I voted to retain portions of it which I did not personally approve, and to reject amendments which, under other circumstances, I would have favored, that the bill might be as acceptable as possible to a large majority in its principal features, and the great and necessary objects sought by it—the organization of the several territorial governments, and the settlement of the vexed and profitless question of slavery in the Territories attained. So far as the Senate was concerned, my objects and expectations were answered, and the bill was passed by a decided majority. It was sent to the House of Representatives, and was there, in an unheard-of and extraordinary manner, hastily, without reading, printing, referring, considering, or obtaining a general knowledge of its provisions, without any effort or opportunity to adopt such parts as were acceptable, or to amend or reject such portions as were not, laid upon the table for the remainder of the session. I have neither the right nor the disposition to characterize the action of the majority of the House of Representatives, nor to speak of the motives which influenced their action. They are, like ourselves, responsible to the country; and those entitled to judge will not fail to pass in review both the wisdom and integrity of their conduct in the premises. The House of Representatives afterwards sent us a bill for the organization of the Territorial Government of Oregon alone. The bill was courteously referred to our Territorial Committee—as all bills should be, going from one House to the other—and that committee, through its chairman,* reported in favor of its passage, with an amendment extending the Missouri compromise line—the parallel of 36° 30' north latitude—to the Pacific Ocean. For this amendment I voted—not that I favor, as a principle, the Missouri compromise, or other arbitrary legislation over domestic questions in the Territories by Congress; my favorite principle being well known to be that of non-interference by the federal government, and leaving the whole subject to the people who are finally to compose the State, to judge of the question for themselves; but I voted for this line—not regarding it with a tithe of the favor I did the constitutional compromise bill of the

* MR. DOUGLAS.

Select Committee—because it was recommended by the Committee on Territories as being most likely to obtain support for the bill, and as presenting the last hope of organizing all the Territories, and of settling the miserable struggles over domestic slavery, after all other expectations have failed. I voted for it, believing it would do little harm and little good, practically, and have, like all federal legislation on the subject, little influence; while it would tend to allay the sectional jealousies which embarrass us, and enable us to organize the three Territories in some form, which I deem of far greater importance than I do the particular manner in which it is done. I did not then see, nor do I now see, that this line has any positive application to Oregon; for it falls five and a half degrees below its southern boundary; but I saw that if this amendment should be accepted by the House, there would be no further objection to the organization of governments for New Mexico and California; and I had bills prepared, and have them now in my desk, organizing governments there, upon terms to which none can reasonably object, were this line established; and I intended to offer them to the Senate, and ask for their immediate passage, if the House should concur in this amendment. But the House has refused to concur. This is the last day but one of the session—perhaps there will be no quorum after the present meeting—and the last hope there is left to settle the question upon any terms this year, and to erect governments in New Mexico and California, rests in a Committee of Conference between the Houses. When the bill was taken up yesterday morning, the chairman of the committee * moved for such committee; and I would gladly have voted for it. It could have done no harm; for we could then have receded if there had been no agreement, and it might have resulted in arranging the whole question satisfactorily. The Senator from Missouri,† however, moved to recede from our amendment at once; which motion, we all know, takes priority over that of a motion for a Committee of Conference; and it is now too late to raise such committee. All hope of disposing of the general question, and of organizing governments for New Mexico and California, is gone for the session. The people there must go without the

* MR. DOUGLAS.

† MR. BENTON.

protection of a government of laws, and endure, as best they may, the innumerable evil consequences and demoralizing influences which must ensue. The responsibility will rest where it belongs; and let those who have contributed to produce it prepare to settle an account of no ordinary magnitude.

But we yet have it in our power to organize a government in Oregon; and though this Territory needs an organization by Congress the least of the three, we should not withhold it, even though the provisions of the bill may be in some respects objectionable. I have endeavored from the beginning to secure a government to all. That hope is gone, I repeat, and I will now endeavor, so far as I am concerned, to secure it to one, and shall act accordingly. The compromise line, so far as relates to this Territory alone, since the others are beyond hope, is an abstract question, and has no practical application to the bill. Some Senators who resist the motion to recede, speak of it, I regret to say, as a sectional question, and as though it was to be a test between the northern and southern States. This I say, with all due respect, cannot be so. In all the discussions and questions relating to territorial governments which have engaged the attention of the Senate during this session—while a decided majority of those from the North have acted together, and so of the South—fortunately there has not been a single vote entirely sectional. The Missouri line was inserted against the votes of southern Senators; and the very motion to recede, now under consideration, is made and insisted on, to the exclusion of a motion for a Committee of Conference, by a southern Senator; and his motion has been urged, and is evidently to be voted for, by others from the same section.

I beg all those who indulge in gloomy forebodings over results which they apprehend from the mere abstract action of Congress, or its neglect to act upon this troublesome element, to calm, if they cannot dismiss, their fears. The abolition feeling of the North is far less rife and mischievous than it was in 1835; and the tone of opinion of the great mass of the people upon the subject is sound and healthy. The influence of federal legislation upon it is vastly overrated, both for good and for evil, as will be seen and acknowledged by any one who will subject the laws which govern it to the analysis of careful examination. It may have a partial and temporary influence,

but the question, in its leading features, is controlled by laws *stronger than the laws of Congress*. These Territories will soon be sovereign States, and, upon this disturbing question, be entitled to speak for themselves; and will perchance be as wise, as patriotic and discreet, as their senior sisters. It has been my fortune to be intimately associated with the various efforts to organize these territorial governments. The subject has been beset with embarrassment, and our efforts have been nearly unsuccessful. I have carefully reviewed the positions I have taken, and would not essentially change them, were the efforts to be repeated. I have the gratification of believing, that, when the storm has blown over, my course will be approved by all honest men. I ask not the approbation of others; and I appeal for the rectitude of my intentions to the records of that tribunal above, where the hearts and the motives are fully laid open to view.

SPEECH

UPON THE ISSUES AND CANDIDATES OF THE PRESIDENTIAL
CAMPAIGN.

DELIVERED IN TAMMANY HALL, NEW YORK, August 12, 1848.

I THANK you, fellow-citizens, for this cordial and flattering reception, and am grateful for this opportunity to address you and to render an account of my stewardship. I have been, for the last nine months, acting as one of the agents of our State in transacting the business of the general government; and having discharged my duties under a due sense of a republican legislator's responsibility to his constituents, I am now, as always, ready to stand or fall by their judgment. I am proud to believe that my course has been open and direct, and I would say in regard to it, as a distinguished Senator said of his public career, "There it is;—judge of it for yourselves." But I came not here to discourse of myself. I have a higher and more grateful duty to perform—to explain, inculcate, and defend democratic principles, and the course, position, and purposes of the Democratic party.

The political history of the country proves that the great leading feature of the policy of the Democratic party has been, to establish and maintain *equality* in the government between the States, as also to secure it to every citizen. It has struggled to cause the burdens and the blessings of the Union to fall, like the dews of heaven, upon all alike. By the labors and wise care of the noble spirits who achieved our independence, the foundations of our national edifice were laid broad and deep in the principles of Democratic liberty; and under the guidance of Jefferson, Madison, Jackson, the sages and exemplars of the Democratic faith, the temple has risen in

beauty and strength to its present stately and admirable proportions.

But in all the efforts of all these years, the friends of Democratic principles have been opposed by a wily and powerful antagonist. At the very outset, Federalism, deriving its ideas of the political and social fabric from the hereditary aristocracies of the old world, looked with longing eyes toward a government recognizing class privileges; and the same spirit, in later times, sought the same end through the various forms of monopoly, and governmental protection of special interests, by which the labor of the many should be made subservient and tributary to the capital of the few, and a system of inequality, in hostility to the theory of the government and the best interests of the people, be practically established.

But all these schemes, whether in the shape of national banks of overshadowing dimensions, high protective tariff combinations, or in whatever form they have appeared, have been met and overthrown by the Democracy of the Union, whose triumphs number the popular condemnation and abrogation of the alien and sedition laws; the vindication of the national honor, character, and interests, in the war of 1812; the acquisition of Louisiana, Florida, Texas, California, adding thereby, incalculably, to our resources and our geographical and national importance; the overthrow of the United States Bank, and the establishment of a constitutional plan of governmental finance, including a system of duties upon imports upon a revenue basis, and many others. Nor is the Democratic party, because opposed to monopoly, the foe, as has been charged, of capital. Associated wealth has, in numerous instances, been of great public service, in furnishing profitable employment to labor; in constructing works of internal improvement of immense national and individual advantage, and in aiding enterprise in numberless ways in developing the resources of the country; and that it has had its due share of the protection of a Democratic government, the success which has rewarded its employment in all the avenues of business bears ample testimony. Acting upon the maxim that "power always inclines to steal from the many to the few," the Democracy have striven to protect the interests of the people at large from the tendencies of aggregated wealth to encroach

upon the rights of the masses; to keep labor and capital independent of each other, giving to each the equal protection of the government, by which means the country could best reap the benefits that should grow from the proper application of these great agents of American progress.

To see that the Democratic principle, which has so essentially prevailed in the conduct of our national affairs, is not merely a high-sounding theory,—that the mission of the Democratic party, to which the American people have so constantly committed their destinies, has not been fruitless, look abroad upon our country;—contrast its present position with its beginnings; follow its history year by year, and you will see such progress in wealth, in population, in extent of territory, in means of education, in the arts and sciences, in improved facilities of communication and carriage, and, in short, in all that goes to make up advancement in civilization, as never before attended the career of any people. And while merely intent upon the pursuits of peace, we have gained a prominent rank among the leading powers of the earth, among those which have attained their standing as such only after hundreds of wars. All this we can justly claim as the triumph of Democratic principles developed in Democratic practice.

In selecting its candidates for the approaching Presidential election, the Democratic party has still kept in view its great purpose, only to be accomplished by perpetuating its doctrines and policy in the administration of the government; and to that end has chosen for its standard bearers, LEWIS CASS of Michigan and WILLIAM O. BUTLER of Kentucky;—names synonymous with Democracy and inscribed high on the scroll of the nation's honor. Lewis Cass, the soldier, the statesman, the diplomatist, the American in heart, in feeling, and in action; who stood forth and asserted his country's rights, dignity, and honor, alike on the foughten field and in the face of European diplomacy, with equal credit to himself and advantage to the cause he so ably served; whose career is but an epitome of the country's history, and his character and position an exemplification of the principles of free government and popular institutions; who to years of laborious service on the frontier, in the pacification and organization of the great Northwest, preparing it for the occupancy of civili-

zation, has been called to devote the ripe judgment of his mature years to the high executive and legislative councils of the nation;—and William O. Butler, scarcely less prominent in patriotic services; who in 1812 entered the army as a volunteer private, fought under Jackson at Pensacola and New Orleans, and was several times promoted for gallant conduct on the field; who in the late Mexican war attained the rank of Major-General, in which conspicuous position he led the charge at Monterey, where he was severely wounded, but still remained at his post, received the thanks of Congress and the presentation of a sword to mark the appreciation in which the legislative department held his conduct, and succeeded the veteran Scott in the command of the army in the field; and whose able services in Congress and in various civil capacities in his native State, equally with his military career, point to him as one to whom the high responsibilities of the Vice-Presidency may be safely confided. These are our candidates. The wisdom and propriety of their selection are shown in their eminent qualifications of character and capacity, and their life-long identification with the Democratic cause. These also give ample assurance of deserved success.

But how is it with our opponents? Have they selected their candidates with reference to their known opinions and principles? Do they avow boldly and clearly their party creed and a distinct line of administrative policy, by which they propose to stand and are willing to be judged? In the early days of Federalism, when the opponents of Democratic principles were first embodied as a political party, they distinctly announced their principles and purposes, and strove manfully for success in their true character; but their doctrines and aims were so odious to a people who had just perilled everything in the cause of liberty and equality, that the verdict of popular condemnation they encountered taught them a lesson of policy long to be remembered, but unhappily at the expense of their political honesty; and they have ever since been seeking to gain by disguises and indirection what they could never achieve under their true colors. The once honored name of Whig, their latest device, has been worn till threadbare and tattered, and their political deformity shows broadly through its "looped and windowed ragged-

ness." They long since wore out the principles they professed and discarded the policy they advocated when they put it on; others succeeded, to be used, repudiated, and replaced in turn, like the dissolving views of a phantasmagoria. Where reposes now their zeal in the cause of their once all-necessary United States Bank, without which, we had their assurance, neither the people could prosper nor the government be carried on? Why has died upon our ears their clamor for "protection" and the advancement of "home industry" by the process of taxing the consuming many for the benefit of the manufacturing few? The inquiry might be almost indefinitely extended. At each election they bring out a new set of principles, and though they cannot be said to be popular caterers for the appetite of the political public, none can deny that they have been persistent.

In the present campaign, though unfortunate in the extent of the demands made upon them, they have shown themselves equal to the emergency, and instead of one fictitious creed their fruitful policy has suggested a different one for every section of the Union. What would serve them in the manufacturing East would jeopard their success in the agricultural West; and what would suit their abolition contingents in the North, could not be safely promulgated in the slaveholding South; but with an assurance absolutely wonderful they have undertaken to meet all contingencies of opinion, and, with a versatility equal to that of the chiefest of the Apostles, to make themselves "all things to all men;" and hence we find their candidates supported upon entirely different and inconsistent grounds in different quarters. While the Democracy nominate their champions to carry out their principles, their opponents assume their principles to carry in their men. Like the Vermont clergyman in the early time, they can accommodate their doctrines to the tastes of those to whom they are addressed, for the purpose of securing their main object, party success. This discreet parson was employed to preach a year to a certain society for a prescribed quantity of rye; the arrangement being subject to the condition that his doctrines should give satisfaction. After preaching one or two sermons he called upon his congregation to say whether they were satisfied with the doctrines forthwith; "for," said

he, "if you are not, I can readily change them, *but the rye I must have.*"

They have selected their candidate for the Presidency upon the same plan. From the storehouse of his unknown political principles, they can draw at pleasure to suit all shades of opinion. Of all the great doctrines and questions of policy, which have divided parties and engaged the attention of the country, it is not known which General Taylor approves and which he condemns. It is said, and probably truly, that he has never cast a vote. He is a soldier by trade, having spent the last forty years in camps and taken no part in civil life; and was but yesterday denounced by them as the chief throat-cutter in an unconstitutional and unrighteous war. I do not thus present General Taylor in the light in which I myself regard him, for I would give due credit to his admitted personal virtues and military public services. I but refer to these recent denunciations of the commander of the "Army of Occupation," to show the complete mendacity and want of principle of those who uttered them, but who now bring him forward as their candidate for this high position, because they can claim for him views to suit all persons and all occasions, and they hope to trade successfully upon the capital of his military reputation. They opposed the war; they refused to vote supplies to our brave soldiers to enable them to prosecute it to a victorious and honorable conclusion; they wished them only "hospitable graves" in a foreign soil; but now they choose one of these same soldiers, almost unknown to the country except through his success as a commander in this very war, as their candidate for the highest elective office in the world. This sudden change of front does more credit to their sagacity than to their sincerity and consistency. It is a mere desperate "catch" to enable them to clutch the spoils of office and the power and patronage of place, which they so profoundly covet.

It cannot be forgotten with what affected horror this same party regarded the nomination of Andrew Jackson for the presidency; what dangers they foresaw in the elevation of a "military chieftain;" with what emphasis they condemned the popular enthusiasm that kindled at his heroic name and services, as a blind passion for military rule. But General

Jackson, when he was made the Democratic candidate was something more than a military chieftain. To his unsurpassed military achievements he added eminent capacity as a statesman and jurist, tested by years of distinguished civil service in the highest legislative and judicial positions of his State and of the Union.

But let us not do our hereditary opponents injustice. With all their longing for spoils and place and patronage and power, the enjoyment of these is not the boundary they set to their desires;—is but a portion of the object they have in view. If it were so, it might be but a reasonable act of charity to indulge them once in a generation; but they look through these means to more important ends. Their zeal and hope and perseverance are kept alive by the expectation that, besides the feast of fat things for which they hunger, they shall be enabled to restore the old Federal landmarks, and introduce again the odious policy of legislating and administering the government for the benefit of favored classes at the expense of the people at large. In short, the ultimate object for which they labor is the achievement of monopolies.

But the Democratic organization is not assailed and its prosperity threatened alone by these descendants of ancient Federalism. The disciples of Jefferson and Jackson find new elements of antagonism combined and other opponents standing in hostile array against them, who, especially in this State, seek their overthrow with a zeal peculiar to adventurers in a new cause, and a spirit bitter in proportion to its want of any just animating motive, either in the principles or the practice of the Democratic party. Arrogating an extra morality, an extra philanthropy, an extra humanity, an extra Democracy, they reject the wholesome teachings of the fathers and the whole spirit of the Constitution, and, without one expectation of success in aught else, hope to accomplish the defeat of the Democracy and their honored and worthy candidates.

Opposition to the possible extension of slavery to the Territories is the pretext for this experiment upon the integrity of the Democratic party and the attachment of the American people to the principles of the Constitution; but it has its real origin in disappointed personal ambition and desire for revenge, *those* most insatiable of the bad passions of human nature, and

is destined to meet deserved overthrow and retribution. The true Democracy of the North have sought to leave the subject of slavery where the framers of the Constitution left it, with the people of the several States where it exists, to be controlled by them, and its responsibilities, in common with those of their other domestic and local matters, borne by them in their capacity as States. They believe that the Union, with slavery, is far preferable to slavery without the Union; and as under the Constitution they can have no power over the subject in its relation to the other States, without regard to their abstract opinions they have abstained from its agitation, as rife with elements of danger and inconsistent with the principles of reciprocal good faith. They have never, therefore, like their Federal opponents, courted the aid of abolitionism to gain local party strength. But this new party, or organization of hostile elements, which has sprung up like Jonah's gourd, proclaims as its means and object a crusade of sectional agitation; and it becomes formidable and dangerous from the effort of unscrupulous factions to use its nominal principles for their own selfish ends. The "free soil" leaders, the cunning contrivers of the scheme, have their revenge to gratify upon the Democratic party; the Whigs, who have lent a large detachment to co-operate in the preliminary movements, look to their own party success, the possession of the spoils and the triumph of Federal principles; the one-idea Abolitionists, by constant gazing upon the molehill in their imaginations, see shadowy Alps on Alps in the distance against which they fancy it is their mission to fulminate a wordy warfare. The plans and motives of all these have combined and culminated in the Buffalo Convention.

If it were possible for such elements, with such avowed principles, and such palpable purposes, to attain positive success, we might well tremble for the fate of the Union which was the result of so much anxious solicitude, so much of concession and compromise, so much of faith and hope in its future, and whose fruition has been so replete with individual happiness and prosperity and national honor and advancement. The design of the motley array was, by adopting former Democratic leaders, by shouting adroitly contrived catch-words and by great pretences of regard for freedom, to deceive and draw away members of the Democratic party, and, by dividing, to

defeat it in both its candidates and principles; and the question now comes home to every Democrat whether he will exchange the faith of the founders and leaders of the Democracy and give up their creed, the embodiment of the principles of the Constitution, for the doctrines of the Buffalo Convention, combined of Federalism and Abolitionism? And I now ask, in view of an attempt of such sinister design, who will become a participant and minister to its success; who of all that hear me within these walls will consent that time-honored Tammany shall be turned into an Abolition sweat-pit; and, more especially with the view to subserve the personal ends of disaffected leaders, who of all men at the North have been most subservient to the South as long as by so doing they could promote their own objects?

That Convention professed to be in favor of "free speech;" and yet took for its candidate for the second office one to whom the principles of the sedition law came as an ancestral inheritance. It professed to be in favor of "free soil;" but it claimed for a temporary, perhaps accidental majority in Congress the power to legislate on the subject of slavery in the Territories. It professed to be in favor of "free men;" yet it maintained that the federal legislature might determine and dispose of the domestic and local institutions of communities not represented in it, and to which it is in no sense responsible. And professing the sentiments and principles of Abolitionism, the whole drift and scope and only possible result of their endeavor is, in the name of freedom, to place in the Presidential chair a Southern slaveholder!

When the work was accomplished at Buffalo, and the leading spirits of the motley gathering joined in congratulations, it must have been a picture for a painter to study. The scene between the Abolition and the free soil leaders, as it has been described, reminds me of the meeting of Lucifer and the Archangel in Byron's *Vision of Judgment*. (I beg pardon of any of the parties who may think liberties are taken to their disadvantage.) Each wore in his countenance a curious consciousness of their former position and present relations—"of what they were and late had been." Their looks were eloquent though their tongues were mute;—

"But still between his darkness and his brightness,
There passed a mutual glance of great politeness."

We must also join in congratulations with our Abolition friends, that they have sold themselves and the cause of "human freedom" to their life-long opponents, to become the ministers of their designs upon the Democratic party; and like Mr. Bumble, "dog cheap" at that;—with the "free soil" wing of the concern that they had such eminent success in erecting a plank from which their candidates will swing in November; and we may congratulate ourselves and the Democratic party that they failed most signally in the effort to conceal from the people the true character of the issue upon which the Buffalo Convention took its stand.

The assumption on the part of the disunion agitators which forms the staple of the creed put forth at Buffalo, that Congress ought to prohibit slavery in the Territories, is utterly repugnant to all the ideas of republican liberty and constitutional obligation in which the American people have been educated and to which Democrats will adhere. The claim of the right thus to legislate for the people of the Territories is identical with that of the British government to pass laws binding upon the colonies, against which our fathers took up arms. It asserts in effect that New York and Pennsylvania and New Jersey may, without their consent or participation, fix and determine the condition of the people of New Mexico and California, by prescribing their domestic institutions in advance of their convenience and wishes—a grave and palpable infringement of the first principle of free government and of constitutional equality among the States, which form the very foundation of our system. The country should be warned, that if this policy is adopted or adhered to, our sons, who are to inhabit those distant countries, may, in time, be forced to have *their* Boston tea-party.

The question is one of constitutional construction, which belongs to the courts, where it must eventually be determined. If, under the Constitution, the citizens of the slave States have the right to settle, with their slaves, in the Territories, a mere act of Congress would be powerless to restrain them, and therefore useless, except for the bad purpose of stirring up sectional bitterness and animosity. And even if it were clear that Congress had the power, it would be manifestly unwise and impolitic to assert it, for the reason already alluded to; and fur-

ther, that the chance of slavery being carried to the Territories—where, for the most part, the soil and climate are unsuited to its profitable employment, and it would lack the essentials of security, so necessary to it—would be small indeed; and in any event, Congress would have authority to enforce its views upon the inhabitants of the Territories by legislation for a very short time only, for whenever they should become States their coequal sovereignty could not be denied them.

Is this then a question upon which to stir up agitation and strife between this family of States, joined in a Union where the rights of each should be scrupulously respected by every other? Is it a question over which the Democratic party, which has ever upheld the Union in its purity, the Constitution in its strength, and the rights of the States in letter and spirit, should be betrayed, divided, and destroyed? Those who would have it so are not Democrats;—they are original enemies; or if they ever named the Democratic name, have become false and recreant disciples of Jefferson and Jackson. They would risk all that the Democratic party has achieved; all that the Union has accomplished, for a will-o'-the-wisp, an intangibility, a theory threatening evil but impracticable for good. Their disinclination to trust the people of the Territories to fashion their own local institutions to suit themselves, is in strict accordance with the principles and practice of the Federal party from the origin of the government to the present time. Have they not struggled against every proposition to leave in the hands of the people the power belonging to them, or to enlarge or restore their rights and privileges, maintaining that their "*rulers*," as they love to call the official agents of the people, are more competent to decide what would be best for their interests than themselves?

The certain tendency of the efforts of the supporters of the Buffalo Convention to interfere with and infringe upon what the people of the South believe to be their plain constitutional rights, must be to weaken the bonds of the Union between the States, which should be like that of man and wife in its community of interest and mutual confidence and regard, to insure a continuance of our present national happiness and prosperity. It is an agitation, in its present aspects, dangerous in every sense to the best interests of the country. It makes the meat

it feeds on,—and having become the capital of demagogues, its progress and results may well be watched with the greatest apprehension. The South regards it as an attempt to shut her out from the benefits of the national acquisitions; to deny her participation in the common territories, acquired in part by her own sacrifices; to clog and hinder her in what should be an amicable rivalry between the States in the great race of improvement; to depreciate her means and damage, if not destroy, her system of labor. She already sees herself in prospect hemmed about and confined to a comparatively small territory; her slaves accumulating in dangerous proportion to her white population, their labor of little value; while some of the Northern States refuse to admit negroes, even if freed, to settle within their limits, and all deny them the position of equals in social condition and political rights. Her people see in all this, in the not very distant future, for themselves or their children, it may be, a war of races, which must be one of extermination and untold horrors. They regard the question as vital to their interests; to their equality of rights; as possibly fraught with the issue of their very existence, but to us as measurably theoretical and speculative. Under all the aspects of the case, and in full consideration of the responsibilities involved, I have not hesitated to take ground against this agitation, regardless of consequences personal to myself. I have believed that if all that is professed to be feared should happen without it, and if all that is hoped to be attained could surely be reached by it, it would but poorly compensate for the estrangement, animosity, and loss of confidence and regard between sections which even now, in its commencement, it is creating, and the danger thereby to the perpetuity of at least the spirit of the Union; and I have not heeded and shall not in future heed whatever of abuse may be showered upon me for defending the Democratic principle and policy of permitting the people of the Territories to decide the question, which is chiefly of interest to themselves.

If, by possibility, under this doctrine of non-interference by Congress, slaves should be carried to any of the Territories, they must for that purpose be taken from some of the States;—the aggregate would not thereby be increased, and possibly in fresh fields and under new auspices their condition and prospects

might be improved. To the same extent that New Mexico or California might become slaveholding, Maryland, Virginia, or Kentucky would be made non-slaveholding, and be accelerated on the march to freedom, which in the course of events must be their destiny. Where then is the boasted philanthropy of those who can see no cause worthy of their fine sensibilities but the problematical removal of persons held in bondage from the States where the right to so hold them is fenced about by laws of long continuance, and is recognized by all as existing under the Constitution, free from Congressional interference, to the Territories where laws are yet to be formed, where the operation of the Constitution upon the question is yet to be determined by the courts—where, in short, none of the guaranties of security exist. Their benevolence is of a quality that overlooks the objects that crowd their every-day walks for the contemplation of the distant and the speculative. The very statement of the case shows its hypocrisy. They would risk the destruction of this Union to prevent the doubtful prospect of a few slaves being carried from the northern slave States to California, and that by means that have no adequacy but to produce agitation. The effort is being essayed solely to furnish a hobby for demagogues to ride. As a cause, in its professions and its possibilities of accomplishment, it is wholly unworthy of a true republican. They the friends of the slave indeed ! Did they not, almost unanimously, refuse the few among them the right to political equality ? And why did they, and especially the original professors of the abolition faith among them, fail to seek the abolishment of slavery in Connecticut ? There it had a constitutional existence until within a very few years past ; and there the institution was not made the subject of constitutional reform until after every slave within the State had become worse than useless to its owner ; and in the mean time the rapt gaze of these ardent philanthropists was fixed upon slavery in the distance, and their efforts devoted to beating the air in incoherent but hurtful and disturbing agitation on its account.

I am not in favor of slavery nor of its extension ;—I would leave to those who claim them in a constitutional way the rights the Constitution gives them in that respect, fairly and without a constant war of words to evince my superior humanity ; but I am opposed to this miserable hypocrisy of those who are, of a sudden, so moved on the subject of slavery, that they are enact-

ing over the "Sorrows of Werter," and whining with all the pathos of the sentimental lady's sonnet to the dying frog, in the hope of cheating unsuspecting people into prostituting their privileges as electors to their purposes. But, my friends, this detestable conspiracy against the Democratic party and the supremacy for its principles is destined to fail, beyond a doubt.

One subject of great and grave objection to the Democratic party I must notice before I close; it is the acquisition of territory. It is common ground to both the opposing parties;—to our opponents of the whole blood and of the half blood,—of the lineal and of the collateral descent. They make grave complaints against us because the war commenced against the United States by Mexico ended in an arrangement which extended materially our territorial boundaries. It is perhaps not wonderful that men who cannot understand the principles and structure of our system of government, or who have not the honesty to give it practical operation, should esteem its priceless benefits so lightly as to consider its extension a great evil. If Federalism had been strong enough, the old thirteen colonies would have been walled in, and constituted the United States of to-day, if indeed they had survived the system of tight lacing and Chinese shoes they sought to apply. The Democrats, according to their recorded opinions, ruined the country by the purchase of Louisiana; they ruined it again by the acquisition of Florida, and again by the annexation of Texas; and now it has been ruined once more by the wicked Democrats, by accepting indemnity in territory from belligerent and beaten Mexico. The howl of the Buffalo-platform men comes in towards the last of these successive ruins. They helped to enact the former part of the series, even professing to support Col. Polk in 1844, who ran and was elected on the Texas annexation issue, and only just now mysteriously found out how wrong they had been acting. The country has been very patient and very prosperous under this great amount of ruin, and the Democratic party can patiently bear the charge of its infliction. It is true. Whatever of ruin has come of these acquisitions, it has all been the work of the Democratic party. Look out upon the widespread map of the nation. See what it was and what it is. Mark well the difference. This is the ruin the Democracy has wrought. Ask the great Northwest if it would be content to restore to a foreign power the lower half of its magnificent river

highway,—if it would surrender to foreign keeping the key to the Gulf, its rivers, harbors, and teeming shores. Ask this commercial emporium, yes, ask the whole American people, what price would tempt them to give up their coast, which looks out towards the setting sun upon the great Pacific,—the broad Columbia, the Golden Gate, with their interior routes of communication spanning the continent, through which we shall ere long command the commerce of Asia, the prize for which the nations of Europe have so long struggled; and I venture the assertion that not a single man, woman, or child, outside of the lunatic asylums, would consent, on any terms, to take one step backwards. The American people are not plunderers nor even propagandists. They will deal justly, uprightly and in good faith with their neighbors and all other nations; in the language of one of the late revered leaders of the Democracy, “asking nothing that is not right, and submitting to nothing wrong;” and in the fulfilment of their mission, under Providence, they will not hesitate to make such acquisitions of territory as may be necessary for their security and strength and which can be justly obtained. This has been their rule of action in the past, and if occasion and opportunity for further acquisitions should arise, will be in the future. Those who distress themselves over the dangers of expanded territory, will, I predict, be speedily comforted by results. Our system is better adapted than all others to extended empire. While the great leading purposes, such as foreign relations and intercourse, commerce and the national defences are committed to the general government, the local affairs of the people remain in the immediate care of their respective State governments; so that the laws of the several States may be ever so diverse, according to the tastes, wants, and condition of their people, and no necessity or right exist for the people of one State to interfere with the laws of another. As citizens of New York, the only legal interest we have in the people of Louisiana is that they fulfil their duties and discharge their obligations as citizens of the United States, under the common bond of Union, the constitution. No consolidated government, of whatever form, could so adapt the laws which regulate the immediate and every-day affairs of the people, to varying local circumstances. I fear no evil to flow from permitting the people of far-off Oregon to share, equally with us, in the government of the United States. The addition of

pillars only serves to strengthen the edifice, which, with New York on the Atlantic, and California on the Pacific, will be far more powerful and less subject to danger from domestic dissensions, than if the jurisdiction of this government had been confined to the limits of the original thirteen States.

The Democracy of the Union are again called by every consideration dear to their party and their principles to put forth their best efforts to preserve the integrity of the one and give continued ascendancy to the other, and thus promote the peace, harmony, and welfare of the country. If this is done, in the old spirit of the Jacksonian Democracy, our success in the contest is assured; and that it will be, the indications here present, and the movement of the Democratic masses throughout the land, give cheering assurance. The signs of the times are bright with hopeful auguries. The adroit plans of our opponents to divide, weaken, and overcome the party of the Constitution will signally fail. The Democratic column will move forward with united front and purpose to accustomed victory. What northern Democrat, worthy of the name, will be deceived by the cry of "Van Buren and free soil," into giving his support to a candidate who stands not the slightest chance of receiving a single electoral vote, and thus contributing to the success of the Federal nominee? The Democracy of the South will spurn the attempt to cheat them into the abandonment of their principles and their party by presenting for their suffrages a slaveholder and appealing to their admiration of successful military leadership. They will now as heretofore stand firmly for the cause of republicanism, and give their undivided support to the defender of American rights and interests, the veteran leader of the Democratic party. To the Democracy of New York is committed the double duty of vindicating themselves and their party and rebuking treason and base ingratitude to both. To this end we must labor as men should who are surrounded by detestable and wicked treachery within, and confronted without by a lifelong and oft-beaten foe, now hopeful in the plots arranged for our destruction. With efforts worthy of the occasion and the inspiration of the cause, success is within our reach. Such efforts I invoke in the name of the Democracy of the Union; and with the assurance that they will be put forth I have an abiding faith that the State will be saved to be still the brightest star in the galaxy of a Democratic Union.

SPEECH

ON ESTABLISHING A GOVERNMENT FOR CALIFORNIA AND NEW MEXICO, AND IN REPLY TO MR. DIX ON THE "WILMOT PROVISIO."

DELIVERED IN THE SENATE OF THE UNITED STATES, February 28, 1849.

[The question before the Senate was upon the amendment of Mr. Walker, of Wisconsin, to the Civil and Diplomatic Appropriation Bill, to extend the laws of the United States over the territories acquired from Mexico.]

I do not forget, Mr. President, nor do I intend the country shall forget, that more than six months have elapsed since the Senate, after mature deliberation and full debate, passed a bill to establish efficient civil governments in the Territories of New Mexico and California, and sent it to the House of Representatives for concurrence, where it still reposes unacted upon; though, by the joint rules of the two houses, it has vitality at this as it had at the last session, and needs only the concurrence of that branch and the signature of the President to become a law. Under these circumstances, had I been left to consult my own wishes, I would have taken no further steps until the immediate representatives of the people should, in their wisdom, so far sympathize with the necessitous conditions of the Territories in question, and the demands of the people throughout the Union, as to act upon this bill which we sent them, and either pass it as it is, or with amendments, or reject it altogether. The responsibility of leaving these Territories without government has heretofore rested with the popular branch, and there I would have left it; for I am confident nothing will pass there, unless it contains some element of discord which cannot and ought not to receive the sanction of the Senate. But other Senators, whose hopes are more san-

guine than my own, in view of the peculiar and alarming circumstances, have thought proper to make further efforts, and to that end have brought forward various propositions for the consideration of the Senate; some proposing a temporary, and some a more permanent, government for the Territories, and among them that of the Senator from Wisconsin,* now under consideration. It is now at the close of the session, and the last hope of providing a government rests in this amendment; for, if it is not adopted, nothing else on this subject will be. It well came as an offering of peace from that young and cherished State which has just been admitted to the Union; and her Senator who offers it, for his patriotic effort, is entitled not only to the thanks of his constituents, but to the grateful acknowledgments of the whole people of the Union.

These Territories, with the inhabitants residing therein, I need not say, were recently transferred by a foreign government to the United States, under a treaty of peace. We have taken them from their former government, if government it can be called, to our protecting arms; and since it is our practice to fashion governments for our Territories, we are admonished by every consideration that can influence human action, to extend to them that security of life, liberty, and property, which our Constitution guarantees to the humblest American citizen. The amendment under consideration attains this end; and, although I would have preferred it in another place and in another form, it being this or nothing, I have cheerfully yielded all objection either to form or substance, and shall vote hereafter, as I have before, with a view to enact it into a law. And I crave the indulgence of the Senate for a few moments while I state the reasons which influence me—an indulgence I would not have sought but for the extraordinary, and, as I think, inconsistent grounds taken in opposition to it by my honorable colleague.†

The leading objection urged in this regard is, that it confers too much power upon the executive; and, although my colleague professes to repose high confidence in the distinguished individual who is soon to be invested with the responsibility of the executive functions, he declares he will commit

* MR. WALKER.

† MR. DIX.

to the hands of no chief magistrate powers so extensive and plenary. At the last session a bill was under consideration conferring no unusual power on the executive, and that, too, my colleague opposed and voted against for other reasons. Under other and ordinary circumstances I should regard a proposition of this kind with disfavor; but a peculiar emergency has arisen in our history, demanding prompt and decisive measures, and for one I am prepared to meet it with corresponding action. I have no honeyed phrases for the ear of the incoming President. It is enough for me that I have done him no injustice in thought, word, or deed. If he is interested to know my sentiments concerning him, he will best learn them by the manner in which I discharge the relations in which we are soon to be placed, and I shall judge of him by his public and official conduct. For all the purposes of this question, I will not inquire upon what name is cast the executive powers and responsibilities, nor by what portion of the people elected. I shall regard him only as the great and honored agent of the American people; upon him as such I shall seek to devolve the duties, and in him as such I shall confide for their discreet and judicious exercise; holding him, at all times, as those whose servant he is will hold him, to a rigid and severe accountability. He is clothed by the Constitution with the whole power of the army and navy of the United States, of which he is commander-in-chief, and in that capacity will wield for the preservation of order in these Territories all that is arbitrary and despotic in our institutions; and I fear not to mitigate the rigor of this martial code by substituting the Constitution for the sword, the minister of justice for the bayoneted soldier, and the rectifying influences of the common law for military rule. It is merely permitting the President temporarily, through legal and constitutional agencies, and until Congress shall make further provisions, to extend to the people civil instead of military government, for the purpose of enforcing the performance of contracts, of punishing crime, and for the preservation of social order. And when its propriety is rendered obvious by circumstances of such extreme urgency, I shall favor it with my whole heart, let who will, and for whatever reasons, oppose it. Nor can those consistently resist it, who believe that a government of opinion and law is

superior in its moral influences to a government of force. Without descending to details, as tedious as they are profitless, it is sufficient for my purpose to say, that the amendment under consideration is the same in substance as the laws by which Florida and Louisiana were successfully governed for a number of years after their acquisition, respectively, by the United States. They were acquired, as were New Mexico and California, with a foreign population. Under this executive form of government, prosperity attended them; they were admitted into the Union on an equal footing with the other members, and no detriment came to either government or people. It is far easier to cavil over and multiply objections against any and every proposition which can be suggested than to procure the passage of some reasonable measure which will give law and protection to those which have neither.

But my colleague, in detailing his reasons for opposing this amendment, has employed some of the strongest arguments in its favor; reasons which doubtless induced its introduction, in this form, by the Senator who moved it. He reminds us that the inhabitants residing there on the ratification of the treaty were a semi-barbarous race, who could neither read, write, speak, nor understand our language; that they are utterly unacquainted with the character of our institutions, and have none of the essential qualifications of freemen; that the temporary inhabitants and those who have migrated there are many of them deserters from the army and navy—outcasts and adventurers from all parts of the world, of the most desperate and abandoned character, attracted there by a spirit of avarice, without the moral restraints which uphold civilized communities; and that the bonds of society are virtually dissolved. And yet, when this is the last hope of extending them any protection, in the same breath he inveighs against giving them a temporary government peculiarly suited to their anomalous condition, and strong enough to hold in check the violence and anarchy which so alarmingly prevail there, lest it may not be, word for word and letter for letter, as some other territorial government, at some other time and under some other circumstances, has been; and lest, too, more power may be temporarily confided to the President than ordinarily would be prudent or desirable. He tells us this people must pass through the process of *fer-*

mentation, to employ his own term, before they will be qualified to discharge the duties of citizens; and he proposes to encourage that process by administering to them the ordinance of 1787. This, he seems to suppose, would at once put their fermental qualities in motion, and carry off all physical, moral, and political impurities, and leave them fitted to discharge understandingly many, if not all, the high functions of self-government. They are now depressed and degraded, is the argument, and they must be *raised*, by the *leaven* of this celebrated ordinance, from vice and barbarism and ignorance to the highest privileges of freemen. By its magic influences all shall then read, write, speak, and understand our language, and comprehend the spirit of our institutions; and the avaricious aspirations of the worshippers of mammon, who are struggling with unchastened greed for sudden wealth upon the shores of Sacramento, shall be toned to the temper and quiet of the most self-denying and orderly. Empirics in medicine usually have some one infallible remedy for all manner of diseases which afflict our nature, whether chronic or acute, whether of body or of mind, or however originating or tending; and I say it with becoming respect, disclaiming all application of the remark except to a political organization or class, the ordinance of 1787 is by some prescribed at all times and upon all occasions, as a catholicon for all political ills or embarrassments to which society is heir.

Amongst other propositions submitted to the Senate, have been those providing for the admission of California as a State. One of these has been before us for action. It was ably discussed and fully considered, and was rejected, receiving only four votes in its favor; and, although a duplicate is yet upon our orders, no one proposes to revive it, or to attempt the hopeless task of breathing into it life. My colleague has, however, thought proper, for reasons to me utterly incomprehensible, to exhume the remains, and subject them in detail to a *post mortem* examination—a process evidently distasteful to himself, and certainly unnecessary for the dead or living. The proposition is not before us in form or substance, in whole or in part, and is not to be. Whenever it or a like project is, it will be soon enough for me to discuss it. It will be in season for me to justify it whenever I propose to vote for it or sustain it; but in

the mean time I shall leave it to its repose, and shall not permit objections to that bill to be urged against, argued into, or interwoven with, the provision under consideration, for the purpose of raising a prejudice against it, when the two are as unlike as they could well be, framed in the same language. Accustomed to discuss the question before us, I cannot consent to depart from my usual course. I concede the victory over the dead bill, under the circumstances, to be complete and triumphant, and as easy withal as was that of a distinguished warrior over his celebrated knights in buckram.

He further informs us that he will not consent to the dismemberment of California or to play towards New Mexico the part of Russia and other Powers towards Poland! Nor will I! Nor will I ever consent to play towards our Territories the part of Great Britain to the American colonies! And does he inform us who will do what he disclams? Why, I inquire, this declaration here? Is it pretended that this amendment proposes any merger of the one or dismemberment of the other, or anything of the kind? Certainly not; for it merely provides for the administration of law and the preservation of order in the whole territory acquired by the treaty, until Congress shall make further and more ample provisions. If it is intended to insinuate that those who favor this amendment would either merge or dismember, the remark is unjust. If a mere abstract declaration of patriotism, it is quite well, but at least gratuitous.

But, sir, the real objection against providing this temporary government has finally had development, where I supposed it would, in the agitation of the question of slavery. I listened with unfeigned pleasure to the startling appeals against the danger of Executive power and patronage which this amendment proposed to confer, and to other criticisms of that class, well calculated to interest the Senate, and edify the public. I experienced a momentary gratification that some other bugbear than the extension of slavery had been brought out, and that some other dish than *black broth* was to be served up, and was ready to exclaim with Macbeth, "take any shape but that." It soon, however, degenerated to the same old cry, which, without having accomplished one good or humane purpose, has for the last few years arrested the legislation of Congress, and served to array one section of the Union in strife and bit-

terness against the other. Upon this miserable question, which is all that has heretofore prevented, and now prevents, the organization of these Territories, I propose a few general considerations; and that we may properly appreciate the present, and have due regard for the future, we should not be unmindful of the history of the past.

When a portion of these States were colonies of Great Britain, that government insisted upon abolishing the Colonial Legislatures, and subjecting our people, in matters that concerned their domestic condition, to the legislation of Parliament; and the controversy which arose over this question, more than any other, produced that revolution which resulted in declaring the colonies to be free and independent States. Not only were they free and independent of other governments, but as independent of each other as they were of the gigantic Power whose acknowledgment of independence they had conquered. Although they had successfully struggled for liberty, by a united effort in a common cause, and were bound together by a feeling of sympathy and of interest, they were united by no political bonds whatever, and no single State nor any number had the right, in either a moral or political sense, to interfere with or question the institutions of any other. Slavery then existed in all the States, and it was easily seen that while it would speedily be abolished in some, from natural causes, it would long continue in others, whether or not a union of the States was formed; it was therefore wisely deemed better to have a Union with slavery, than slavery without a Union. Its existence was then, as now, deplored, but then, not as now, the spirit of patriotism rose above the spirit of a sickly philanthropy and local benevolence, and the patriots of that day, with the spirit of the revolution upon them, saw that the triumph which, under the blessing of Heaven, they had achieved, would be best secured, and the general welfare of the States and of the people best promoted, by uniting together in one great confederacy for purposes specially defined. And, animated by the influences which impelled them onward, the Constitution, which binds together this family of sovereign States, and secures by abundant guarantees the rights and interests of each and all, was formed and adopted, and still each State, in all that concerns its domestic condition, in every power and attribute not expressly conferred

upon the general government, is as sovereign and independent as it was before. And how, from that auspicious moment, has our progress been upward and onward ! From three we have advanced to twenty millions of people—from thirteen to thirty sovereign States, with almost boundless territorial possessions. Peace and prosperity attend us ; industry is amply rewarded ; labor is not burdened ; want and famine are unknown ; we are respected among the great nations of the earth ; and, so far as has been vouchsafed to fallen man, life, liberty, and the pursuit of happiness are secured to all. Haman could not enjoy the honors and blessings with which he was laden, because Mordecai, the Jew, was permitted to sit at the king's gate ; and, like that envious and malignant demon, there are those amongst us to whom all these blessings avail nothing, so long as a portion of the States continue, under the guarantees of the Constitution, that which existed in all at the time the Constitution was formed ; and they openly demand and deliberately petition that the Union be dissolved for this cause alone. I am aware it will be said that this extreme and frantic outcry proceeds only from a few madmen and fanatics, and is the joint effort of the weak and the demented, and that those who are now in the incipient stages of the same disease do not propose to follow them, and only oppose the further *extension of slavery*. But it was only yesterday, as it were, that many of those who now cry loudest and go furthest were where others have just now commenced ; and again, to-morrow, those who have just taken their first lessons will find themselves advanced where others who have travelled in the same direction have gone before them. It has been unfortunately discovered that "the ambitious youth who fired the Ephesian dome survived in fame the pious fool who reared it," and a thirst for notoriety has become the order of the day. For three years we have been unable to organize a Territory, to pass a bill of appropriation, to declare war, to feed and clothe a famishing army, or to ratify a treaty of peace, without encountering in our pathway the hideous and hag-like shadow of slavery agitation. Even this attempt to give to an unprotected people the temporary benefits of law and order is resisted in the same quarters and by the same arguments and influences that others have been, and even my colleague tells us he can vote for *no* bill unless it contains the provisions of the

ordinance of 1787. This, with him, like the voracious rod of Aaron, swallows up all other considerations. By way, doubtless, of investing it with additional consideration, he has given us the benefit of its history, and shown that Mr. Jefferson proposed one of a similar character in 1784, which was not adopted. I will spend no time in commenting upon the historical truisms with which it is sought to surround and magnify this provision and the proceedings in which it originated; for it has, in my judgment, no more application to our present condition, as mere authority, than an extract of equal length from the Koran of Mahomet.

The ordinance prepared by Mr. Jefferson in 1784, which was rejected, and that which was introduced by Mr. Dane, of Massachusetts, and others, and adopted in 1787, were, it will be seen, proposed before the States were united under a Constitution, and while our fathers were groping, by the dim lights which the history of that period afforded, for some plan of confederacy by which the territory in question, ceded or to be ceded by particular States, for the benefit of all, should be received and managed. There was then no Constitution creating the federal government and defining and limiting its powers, and it was competent for individual States ceding their territory to prescribe such terms and provisions as they should choose, and for the States generally, by such special agreement or compact as they could unite upon, to specify the terms and conditions on which the ceded territory should be governed. It was a contract entered into by all the parties interested, and as such derived all its character and force. And now, because a certain agreement was made by the parties, interested for the government of the Northwestern Territory, ceded by particular States for the benefit of all, before we had a Constitution to guide us, it is insisted that, under the Constitution, from which Congress derives all its authority, and in which no such power is specified, we shall do to the common property, as a matter of right, in defiance of the protest of a portion of the States, that which was done by the consent of all, including the sole owner, before the Constitution was adopted. The difference, when properly illustrated, being simply this: Three individuals enter into an agreement for their mutual benefit and advantage, and abide by its provisions. Three others of equal rights,

under other circumstances, not being able to agree satisfactorily, two of them, finding that an agreement had once been voluntarily made by three, insist that the *precedent* ought to be followed, and seek to compel the third by force to submit to their terms. Besides, if there is any particular charm belonging to this ordinance which entitles it to be adopted, whether applicable or not to our condition, it should be taken as a whole—in all its parts and with all its provisions. One of these is as follows, and its perusal will show the utter absurdity of its application to our present condition :

“That both the *temporary* and permanent governments shall be established on these principles as their basis ; that they shall be subject to pay a part of the Federal debts, contracted or to be contracted, to be apportioned on them by Congress according to the same common rule and measure by which apportionments thereof shall be made on the other States.”

A proposal at this time to impose upon the temporary government of a Territory a portion of the Federal debts, contracted or to be contracted, would be universally received throughout the Union with derision and indignation ; and yet it may be as fairly insisted upon as a valuable precedent of binding authority as any other provision of the ordinance. We must not go forward, but all legislation must be arrested until the burial-field of deceased documents can be ransacked, and the marrowless bones of the ordinance of '87 be clothed anew with flesh and sinews, that it may perform, regardless of the Constitution, an office it was designed to discharge without one. We must be dragged back from a perfect Union to a patched-up confederacy, and our mature manhood of this century be cramped and fettered by the swaddling habiliments of the infant of a past one. Anarchy must reign, and bloodshed and crime and disorder triumph in the Territories, until we can demonstrate a political problem from some musty precedent, and, instead of acting for ourselves, as the occasion requires, we must try to ascertain how others have acted at some other time, upon some other occasion, that we may act like them.

But it seems that the cognomen by which this ordinance has recently been known, and under which it has transacted a somewhat extensive business, is no longer deemed desirable, and

that a change, which is seldom sought for slight or transient causes, has been thought prudent, if not necessary. My honorable colleague, feeling an interest in the success and welfare of this deceased paper, not only burst its cerements and brought it up again to revisit earth, but himself led it to the political font, and performed the priestly ritual of christening it the "Jefferson proviso!" If the illustrious and venerated statesman, whose impress rests upon all that is enduring and beautiful in our political system, could so far participate in the affairs of the living as to see his acts for good perverted to pernicious purposes; hear his memory desecrated by associating his history with this causeless agitation; his authority invoked for casting amongst us this apple of bitterness and discord; and, finally, hear those who would still fan the fires of disunion, disturb his repose by calling upon his great and spotless name, he would exclaim, as did the prophet, raised by the incantations of the familiar spirit, when the guilty Saul would have escaped from the consequences of his perfidious career, "Why hast thou disquieted me to bring me up?" My colleague is proverbial for his strong sense of justice, and his scrupulous regard for the rights of property, and yet he has, quite unconsciously, I am sure, proposed to do an act which must be a violation of both—an act which his generous instincts will prompt him to correct the first moment he sees the consequences which must ensue. He must be well aware how much a distinguished individual gave up that the "proviso" might bear his name; and yet he coolly proposes to transfer this name, with all its accumulated honors and invaluable advantages, to another. Sir, in the name of common justice, I most solemnly protest against this marked and wanton violation of private and individual right. Call it the "Jefferson proviso!" Should this be attempted, the person by whose name it has been known might cry out somewhat in the language of Iago—

"Who steals my purse, steals trash; 'tis something, nothing;
'Twas mine, 'tis his; and has been slave to thousands.
But he that filches from me my *proviso*,
Robs me of that *which not enriches him*,
And makes me *poor indeed*."

My colleague, notwithstanding the degraded and disorderly

condition and unfit character for self-government which he attributes to the people of these Territories, would give them a full territorial government if it could contain his favorite clause of restriction. Now, a full territorial government, as heretofore given, authorizes the election by the people of a territorial legislature, and the passage by such legislature of their municipal laws; usually, but not always, subject to the supervision of Congress; and in these relations it will be seen that they are called upon to exercise some of the highest privileges of free-men. If, then, they are so ignorant, degraded, and barbarous as to be unfit for any of the duties of self-government, why propose to require them at their hands; or object to the preservation of order in a more summary form, until they shall be better qualified? But, in arguing the justice and propriety of applying the restriction to the organization of a territorial government, he states that Congress stands in the same relation to the people of a Territory that the State legislatures do to the people of a State. From this doctrine I respectfully but most unqualifiedly dissent, and insist that the relations are entirely dissimilar. The State legislatures are the creations of the people of the respective States. The members of the State legislature are elected by the people of the State, and are their representatives and servants; but no such relation exists, or has ever existed, between Congress and the people of a Territory. Congress is not created by the people of the Territory. They have no vote in it; its members are not elected by, nor are they, the servants of the representatives of the people of the Territories, or in the remotest degree answerable to them. Congress holds the same relation to the people of the Territories that the British Parliament held to the American colonies; and the doctrines sought to be enforced by those who advocate the restrictive policy are the old exploded theories of George III.—against which our forefathers rebelled—dressed up in new clothes, that the imposition may be the more successful. The principle that a distant people, in the formation of a government, need a master to administer restrictions to preserve them from running headlong to ruin in their policy, is founded in a distrust of popular intelligence and virtue; and, whether emanating from an Eastern despotism, the British Parliament, or the American Congress, violates the first principles of free government, and

seeks to rule a people rather than permit them to rule themselves. The American people, when colonies, being no further from the mother country than our Pacific possessions are from us, insisted, to revolution and blood, upon the right to legislate for themselves; and now, should they seek to enforce the same doctrine upon the people of their own Territories, they would be like him who, after his own debt was forgiven him, took his fellow-servant by the throat that he might enforce the payment of a two-penny demand.

I have urged, for the government of the Territories, when a sufficient number of American citizens or others who can appreciate the obligations of freemen shall be there, free Territorial governments—not that kind of freedom which, with liberty on its lips, distrusts the capacity of man for self-government, and seeks to hedge him about with provisos and restrictions; nor that freedom which must be kept in leading-strings, held by some master power three thousand miles distant, lest man should care less for himself than his distant fellows might care for him, and be less wise in governing himself than others in acting as his governors; but that freedom which springs from the best instincts of the heart, and believes that man is better qualified to rule himself than to govern his neighbor. The Constitution has given no authority to Congress to legislate for the *people* of a Territory, and consequently it has no such right; and Mr. Madison has pronounced any such attempt to be without the shadow of constitutional law. But, in legislating for the property of Territories, which Congress may do, and in aiding the infant settlements to erect their governments, Congress has prescribed general enactments, serving as temporary constitutions for the people of the Territory rather than laws, and has sent out officers to aid in enforcing them. This course has in all cases been received with favor by the people of the Territories; they have adopted as their own what Congress has been pleased to send them, and have framed their local laws, from time to time, in accordance with the legislation of Congress. The whole doctrine of a just government, according to the republican theory, consists in the consent of the governed; and any other, no matter by what name it is known, is despotism and slavery. And it is from the consent of the people of the Territory, and the acquiescence of the States, that

this usage has derived all its force. But those who advocate restriction, seek to repudiate this principle of self-government, and then proclaim it too feeble for the sphere of its duties. I do not contend that the people of a Territory have sovereign power as a government, because the sovereignty of a government as such is a creation of man. But, as a man derives his sovereignty from his Maker, I insist that the people of a Territory are as much sovereign there as in a State (unless, which will not be contended, they may lose their birthright by residing in a Territory); and, in all that concerns or relates to their domestic condition, should, in conformity with our federative system and the principle of self-government, be permitted to make their own temporary regulations of domestic policy—of course in harmony with the principles of the Constitution and the rights of the States. This would give to the people of the Territories the rights that belong to them; would turn the vexatious and agitating question of slavery out of Congress, where it has no business, and should never have entered, and leave the constitutional rights of the States upon this question to be decided by the judicial tribunals, when any one shall see fit to raise it. To this complexion it must come; for, if the Constitution confers the right to carry slaves to a Territory, all the acts which Congress can pass cannot take away the right, nor transfer the question to other tribunals. It is a judicial question, and must be disposed of as the Constitution has provided.

In further proceeding with his argument in favor of the restrictive principle, my colleague describes slavery as amongst the greatest evils that can afflict and debase a people; and yet he will not trust our brethren, friends and neighbors, who are emigrating to the Territories in thousands from the Northern States, who will shape the destinies of the country, and control the course of its legislation, and are as well qualified to legislate as the people of the States whom they have left behind them, lest they may, against their own interests, wishes, and convenience, erect slavery there in spite of themselves. Does he not fear the people of New York will re-establish it? There is no *proviso* to prevent them from doing so whenever they please; and perchance our friends, when they reach California, and will be no further from us than we from them, may

have fears about equally just that slavery may be again authorized in the Northern States. Besides, while seeking to protect them from themselves against this great and overshadowing evil, if they are indeed incapable of self-government and self-preservation, there are some of minor moment to which they must stand exposed; and I would suggest to those who believe in governing other communities that they should be exempted by law from drowning by the waters of the Pacific, and from destruction by fire; or, as the poet expresses it, from "sinking in the devouring flood, or more devouring flame."

We have been told in this debate, what I have often heard before, that those who are constantly agitating this question have no intention of interfering with slavery in the States. Oh, no! as though a forbearance so generous was entitled to great commendation. And what merit, pray tell me, is claimed for this? Would any one take to himself credit because he did not enter the jurisdiction of a sovereign State and trample upon its laws, and subject himself to a charge of felony, and set himself up to regulate the standard of its political and social morals, and claim the right to overthrow that which he disliked, and help himself to whatever he should desire? He certainly would not; and yet he would have as good a right to do all this, in a moral or political sense, as he would to interfere with this institution in the States where it exists by law. Why are we not also told, if there is merit in abstaining from matters in which we have no concern, that there is no intention to interfere with the manufacturing system of Massachusetts, or the banking of Indiana, or the rights of primogeniture in England, or the republican government in France? We have as much right to do either as we have to interfere in any respect with any of the domestic affairs of a sovereign State.

The great mass of the Northern people, and I speak especially of the people of New York, are less excited upon the subject of slavery than would appear from the declarations of those who claim the right to speak for them. They regard slavery as an evil, but they know that it is not now, and was not at the adoption of the Constitution, an original question; but was, as my colleague has stated, planted here while we were

subjects of the British Crown, against the wishes and without the consent of her colonies. New York abolished slavery herself when it suited her own sense of propriety and her interest, wishes, and convenience, without the gratuitous and impertinent interference of other States, or the officious dictation of Congress. And the mass of her people are willing other States should follow her example, when in like manner it shall seem to them best; and they believe such States to be the most proper judges in the premises. They have no doubt emancipation has been retarded in a number by the ill-timed proceedings and intermeddlings of fanaticism and bigotry. They believe that the advantages and burdens, the good and the evil, the responsibility here and the responsibility hereafter, belong to the States where it exists and not to them; that they are not entitled to reap the fruits of its labor, nor required to care for its endless vexations, nor to answer for its sins. Having abolished it themselves, they do not, like the Pharisee, thank God that they are not as other men; but they believe the people of the Southern States as intelligent and virtuous as themselves, and as regardful of the principles of sound morality, just law, and pure religion. They see that this great matter cannot be hastily disposed of; that the mere question whether the slaves shall be emancipated or longer held in servitude, is but a single verse in the dark and difficult chapter of its history; and that it is wiser to leave it to the guidance of those whose institution and property it is, and who have a right to control it, under the beneficent care of that

“—Divinity that shapes our ends,
Rough hew them how we will.”

Nor have the great mass of the Northern people any desire to interfere with this institution, under some plausible pretence, for the purpose of accomplishing by circuitry and indirection that which they have not the manliness to attempt openly; and hence they will not, under the plea of preventing the extension of slavery, set on foot and prosecute a bootless guerilla warfare of irritation against their sister States by agitating the question of slavery in the Territories, in the District of Columbia, or in the arsenals, navy yards, and other places

where Congress has jurisdiction. They read, too, in the Constitution that fugitives held to service by the laws of one State, escaping into another, are to be delivered up to the jurisdiction from whence they fled, not to be enslaved, if they are freemen, as is the cant phrase of the times, but to have their rights adjudicated by the laws of the State where the service is claimed. These provisions are clearly written in our fundamental law, and he who violates them or either of them, under the shallow justification that they are of no moral force, violates the primary duties of citizenship and commits treason against his government. They see and know that they cannot elevate this unfortunate race, either as individuals or as a people, by the angry agitation of the question, or by harboring and secreting a few fugitive slaves; and that the only fruits produced by it will be to multiply wretched outcasts and swell the volume of misery, pauperism, and crime—to add physical want and suffering to moral and mental depression, increase the number of vagabonds, and literally degrade degradation. The North, as a people, want not this race among them, as is suggested by this bastard philanthropy. They want not the sick, the decrepit, and the infirm to be supported in their poor-houses; nor the vicious and immoral for their prisons; nor the few whose integrity and health shall survive a transition from a genial to a rigorous clime—from a long state of tutelage to one of self-preservation and self-dependence—to come among them without social or political recognition, degrade the white laborers of the North by mingling with them and competing for their employment. They see that two races of men so dissimilar in physical development, whether as slaves or freemen, cannot exist together upon terms of equality without detriment to both. Heaven has so ordained and man cannot subvert the decree—one will not be elevated while the other will be degraded. A woe has been pronounced upon him who shall sever what God hath joined, and a like one should be proclaimed against him who would join that which Heaven by such marked physical laws has sundered. Let not the great mass of the Northern people be held responsible for the slavery agitation which is carried on in their name—originating in the mistaken benevolence or sinister designs of a few, and yielded to and fostered by timid

and time-serving politicians, who hold the people as weak and irrational as themselves, and believe them capable of hazarding the integrity of the Union lest, against existing legal and physical impediments, there should perchance be one dark skin less in Maryland and one more in California.

I am too well aware that all who advocate the doctrine of non-interference—who stand up for the sovereign rights of the States and the guaranties of the Constitution—must breast the blind fury of a fearful storm, and be covered over with epithets of bitterness and opprobrium. He is, say they, a friend to the extension of slavery; he is sold to the South; he is the apologist of slavery aggression, and wishes to degrade free labor and abolish freedom! But, sir, while I can look with becoming pity upon ignorance and weakness, I hurl from me with hissing and contempt, alike the whine of the hypocrite and the bluster of the demagogue. I see spread out before us a great and happy country, with such institutions as Heaven has never before vouchsafed to fallen man; and I see, too, that when once they are riven and uprooted, the night of despotism, in which the genius of evil and violence and anarchy will hold her awful court, will be long and gloomy. O, may our glorious tree of liberty sink its roots deeper in the soil of freedom, and extend its branches until all the oppressed and stricken of earth may find beneath it shelter and repose! This is the chosen asylum of the genius of liberty on earth, and when it shall be banished hence, after coursing over the world's desolate waste and finding no rest for the sole of its foot, will it not return, fluttering for admission like the dove at the window of the ark, to the "bosom of its father and its God?"

I am not one of those who assume to be wiser or more benevolent than were the fathers of the Constitution. They did not tremble and quake because slavery had existence, but they rose above the influences of a spurious philanthropy, and a more spurious philosophy, and formed a confederacy of sovereign equals. They listened not to that fearful and ominous cry which falls harshly on the ear, the North! the North! the South! the South! but taught us alone the magic words, "THE UNION." I do not fear soon its dissolution in form, but I fear far more its dissolution in spirit. That union ordained

of Heaven, which lies at the foundation of society, and upholds and adorns all that is sacred and beautiful in our social system, displays not its value or its moral beauty, because man and woman are bound together in the bonds of legalized matrimony, but because they fulfil the relations which a wise Providence ordained, and mutually heighten the joys and alleviate the sorrows which attend us through the chequered scenes of this eventful pilgrimage. In like manner the value of our political Union does not consist in the binding together of thirty Sovereign States with hooks of steel and chains of adamant, but because they stand united for beneficent purposes, forming one great and shining light—a beacon to the weary and tempest-tossed—a terror to tyranny and usurpation—and each still an independent star in the constellation of political hope. But, if they must stand arrayed against each other, or section against section—if, instead of kind offices and friendly relations, they are to exchange angry reproaches and threatening menaces, that moral beauty which has hitherto attended them has departed—the life and spirit which gave birth to the Union has ceased to animate it, and one fatal step has been taken upon the road to dissolution.

Nothing can subvert this happy Union but the formation of sectional parties; and that, if successful, will. It is but an institution of man, and cannot and ought not to survive the successful organization of factions. This attempt to create sectional parties is the evil tendency of the times, and he who seeks to foster it, be his purpose what it may—whether to minister to the cravings of a mean ambition or to gratify a fiendish lingering revenge; whether he has been laden with the honors of the people, and pampered at their treasury, or be the incendiary, whose price of purchase is less than thirty pieces of silver—the taint of treason and perfidy will cling to him in after times like the poisoned tunic of mythology; a mark shall be set upon him, that all shall know him; but it shall not be for safety, and society will hunt him from its abodes like a ferocious and venomous beast. He will not be saved by the counterfeited cry that he is merely opposing the *extension of slavery*; but, like the murderous captain of the host, the vengeance of an indignant people will slay him at the very horns of the altar.

My colleague, in justifying his course, tells us that he is not fully a free agent, having been instructed, although the instructions accord with his judgment. Therein he differs widely from me, for I am a free agent in every sense, and cannot consent to stand here otherwise ; for I belong to the school of a statesman, venerated by every friend of liberty, who believed in "*taking the responsibility*." I am a free agent to do as duty may require, and am ready to count personal consequences afterwards. I understand where I am speaking far too well to enter upon matters belonging to my State here ; for neither this body, nor any of its members, have a right to sit in judgment upon me. I shall enter into no explanations, claim no merit, and accord none, so far as supposed instructions are concerned ; nor shall I permit myself here to inquire whether they emanate from a majority or minority of the people ; whether they seek to violate the spirit of the compact, or whether they come from those who believe in and practise the doctrine they seek to enforce ; but, at the proper time and upon the proper occasion, before those whose servant I am, I tender the gauntlet to him who shall choose to take it up, and I hold myself in readiness to justify my action before the only pure and true source of power. I intend to know whether one can resist this mischievous and licentious spirit of sectional agitation, and those who serve as sappers and miners of the Constitution, and survive. I have no fear that I shall not be most triumphantly sustained, when the storm has swept by. Nor would I change a course so clearly demanded by considerations of duty, if I knew I was to be overwhelmed. It is better that an humble individual should perish, if in his struggle he should arouse the attention of the people to the dangers which threaten them. Sir, I stand upon the watch-tower of liberty, where my fathers stood before me, and I invoke the spirit of my country's Constitution. Like Burke, when speaking of the controversy of the American colonies, I stand not here to demonstrate points of law, but to quiet agitation. Let the storm howl on—let the battlements rock if they will—let faction toss and roar and hurl her impotent arrows of detraction, and I will laugh them to scorn, for I did not take up my position without counting the cost. If I had counted momentary elevation or personal *éclat*, I might have cried loud and clear among slavery agitators, and rode high upon the whirlwind,

if I could not have directed the storm. But I have chosen to do my duty and to meet the responsibilities incident to my position; and in my hours of retirement I shall feel that gratification which a consciousness of rectitude and a firm discharge of duty alone can give, and which the world cannot take away. I have never favored the institution of slavery nor its extension, either immediately or remotely, and whoever charges and insinuates the reverse, originates a base and deliberate, and, unless he is ignorant of my sentiments, a wilful calumny. Equally untrue is it that any one has proposed to legislate for the extension of slavery. It has often been asserted, with knowledge of its falsity, and is persisted in, doubtless under that questionable axiom in morals, that a falsehood persevered in is equivalent to the truth. My habits, thoughts, feelings, education, instinct, nay, my very prejudices, are against slavery; but I would not interfere in what is no concern of mine, to obtain a greater evil and no good. The South have simply asked that they may be left to their sovereign rights as States, and to such rights in the Territory as the legal tribunals may decide are theirs under the Constitution. They do not ask any legislation in favor of slavery, or its extension or diffusion, but protest against its agitation in the federal government, or any legislation by Congress upon the subject; and in this the South are right, and I for one shall stand by them and sustain them, let who will cry and clamor, or come what may, so long as they stand upon a ground so clearly reasonable and constitutional as this. It is urged by my colleague as another reason for legislating against slavery in this Territory, that, unless we do, it may shock the tender susceptibilities of Mexico. I certainly shall not call in question the force of this very singular argument; but, not proposing to draw lessons of political economy or public morals from that nation just now, I will simply suggest that if she has any surplus benevolence she had better invest it in the elevation of her own semi-barbarous people and her cruel and degrading system of *peonage*. Let her pluck out the beam in her own eye before she discourses concerning the mote in ours. "Merry England," too, with her starving people perishing for bread, will doubtless bewail it. An eminent British poet has exultingly sung that "slaves cannot breathe in England;" and if he had added that millions of her own mis-

called freemen, to say nothing of groaning and oppressed Ireland, found the process of respiration difficult, by reason of her system of murderous inequality, he would have given us a practical and interesting but melancholy truth at the expense of poetic beauty.

But why press, at all times and upon all occasions, this process of restriction? My colleague admits that the laws of the territory, as it came to us, prohibited slavery; which he says was abolished by the decree of her President, again by an act of Congress, and yet again by the Constitution. Most lawyers in the free and many in the slave States hold that the laws prohibiting slavery remain the law of the land until changed by competent legislation, and my colleague has often so argued and insisted. I have already shown that there is no intention or desire to legislate for their change, even by the South. Besides, he admits that slave labor is not demanded there, nor white labor excluded, either by climate, soil, or productions; and yet he, and those who act with him, will consent to the passage of no bill, unless it excludes slavery over again, which they argue is excluded by three laws of man, and three of Heaven; and they insist, too, which is the fact, that the people there, so far as they have spoken, are opposed to having the institution among them. Was ever absurdity carried further, or more pertinaciously adhered to? But I am asked, if slavery is already excluded by law, and prohibited by natural impediments, why object to the restriction? I object to it because one-half of the States of this Union have solemnly protested against it, and believe it will be a sentence of condemnation against them; and I have sufficient regard for their wishes to abstain from an act so offensive to them bringing no practical good. I object too because the true principles of self-government forbid that one community should legislate for another.

But do we not all see that it is better to meet this agitation now than hereafter—"at the door-sill than the hearth-stone?" Sir, I understand too well the purposes for which this agitation originated and is prosecuted, and the law which governs all kindred questions, to give heed to the professions, however often expressed, that it is merely an endeavor to prevent by law the further extension of slavery, though I admit that many who act in it are sincere in their professions, and by no means include them in the remarks I extend to others. I would meet it before

its poisonous roots have sunk deeper in the soil of liberty, or its upas branches spread wider. You may this day organize every inch of territory held by the United States, and engraft upon it the restriction ; to-morrow the leaders in this same interest will clamor on as they have already commenced for abolition in the District of Columbia ; and, this being accomplished, they will openly and directly assail the rights of sovereign States, which they have heretofore done by indirection, and their innocent dupes will be borne along with them. Who ever knew the ferocity of a tiger tamed by a taste of blood, or a fanatic or a demagogue or a hypocrite satisfied by yielding to his demand ? And, although there are many who have no intention of proceeding to such extremities, they will be subject to the laws which control such questions, and be swept along with the general current. But a few years since this disturbing spirit of political abolitionism reared its hydra-head in the halls of our National Legislature, but it was met by manly resistance and put down. Again, restless as the unclean spirit of old, it returns with others more wicked than itself to render, unless speedily put to flight, our last state worse than the first.

My colleague has told us, in conclusion, as he has often before, what New York will do concerning this question—that she will not consent to the extension of slavery, and that by no act of hers can it be done. While I acknowledge his right to his opinions and speculations upon the subject of what will be the course of New York, I shall claim at least an equal privilege of expressing my own of what she will not do also. The gift of prophecy is not mine, and I can only judge of the future by the past and the present, and the general laws which control human agencies ; and, however much the reverse may be desired by designing politicians, in my judgment New York, though occasionally swayed from her great purposes by the mutations of political parties and the efforts of combined factions, will content herself with that which belongs to her, and treat with becoming respect the rights of her sister States. She has abundant elements within herself to employ her choicest energies, and she will devote them to the still higher improvement of her own internal condition, and to elevate yet more her three millions of happy people. Though the sun of her political prosperity may occasionally pass beneath a cloud, the obscuration will be but momentary, and the eclipse not total. She will soon

shine forth in her meridian splendor, diffusing among her sister States, from her lofty eminence, her genial influences of light, hope, and joy—the proudest star in the constellation of political glory. She will leave all puerile sectional agitations to the machinations of those who traffic in the disturbance of the public peace. Her sons will stand again, as they stood in the dark days of our Revolutionary struggle, in the second war of independence, and again in the war with a neighboring nation, by the side of the brave spirits of the South, as when they shed their choicest blood in defence of her own frontier; and, as then, she will scorn to inquire whether their domestic policy is more or less wise than her own. She will stand by the principles of *non-interference and the Constitution*, and will spurn all attempts at sectional policy and disunion. She will blot no stars from the constellation. Her pride will reach throughout the Union, and her Republic be ocean-bound.

What motive have I to disregard her wishes, or disobey her mandate? What have I to ask of the South but the merest justice? What else can she have in store for me? Whatever I have of public character or station, is the generous gift of my own great State. From early childhood I have been nursed in her lap, and in manhood she led me from humble private avocations, through various honors, to the highest station her sovereignty could confer. There, next to Heaven, are my choicest offerings due; there shall my first vows be paid. My destiny is in her keeping; there my best affections cluster; there arise my liveliest aspirations; there all my hopes are concentrated; there have I lived; there repose the remains of my beloved dead, and when it shall please Heaven to call me hence, I would rest from the agitations of life in her peaceful bosom. Her very name is dear to me. Her character and her institutions dearer still. Her political escutcheon is yet unstained and spotless. Although she has nourished and brought up children, and they have rebelled against her, her degradation has not been completed. The cup which has been drugged for her humiliation, by a paricidal hand, in mercy was permitted to pass, and she has not been left to sanction by her own sovereign voice the attempt to desecrate the Presidential office by pandering to the bad passions of sectionalism. That she may long be spared from this base infliction, I invoke the universal prayer of our common country.

SPEECH

DELIVERED AT A DEMOCRATIC STATE CONVENTION, HELD AT
ROME, N. Y., ON THE 15TH, 16TH, AND 17TH DAYS OF
AUGUST, 1849.

[The Rome Convention of 1849 added a conspicuous chapter to the history of the "Free Soil" schism in the State. The division commenced in 1847, and culminated in 1848 in the defeat of the Democratic candidates, State and national. Soon after, the subject of reunion, for the sake of party success, began to be agitated, and in 1849 separate conventions of the Democrats and of the Free Soil, Free, or Radical Democrats, as they were variously designated, were called, and held at Rome, for the purpose of arranging a plan of union. Both were numerously attended. Governor Marcy presided over the Democratic convention, and among its members were Chancellor Walworth, Chief-Justice Beardsley, Thomas A. Osborn of Chautauque, Robert Monell of Chenango, Joseph D. Monell of Columbia, Samuel S. Bowne of Monroe, Thomas B. Mitchell of Montgomery, Francis B. Cutting and Lorenzo B. Shepard of New York, Nathan Dayton of Niagara, Thomas G. Alvord and Samuel L. Edwards of Onondaga, Levi S. Chatfield of Otsego, Samuel Birdsall of Seneca, Aaron Ward of Westchester, and many others of the leading and influential Democrats of the State. The president of the Free Soil Convention was Hon. Wm. B. Taylor of Onondaga, and among its leading members were Dudley Burwell of Albany, Martin Grover of Alleghany, John P. Beekman of Columbia, Stephen C. Johnson of Delaware, Arphaxad Loomis of Herkimer, B. F. Angell of Livingston, James W. Nye of Madison, John Van Buren and John Cochrane of New York, Robert Campbell of Steuben, Henry B. Stanton of Seneca, John Van Buren of Ulster, Preston King of St. Lawrence, E. Van Buren of Yates, &c. Martin Van Buren was elected a delegate from Columbia, but did not attend. The sitting continued three days, and various negotiations between the conventions took place, but were not successfully concluded; the Free Soil Convention insisting on the Wilmot Proviso, or its equivalent, and the duty of Congress to put it in force, as the basis of union. The Democratic Convention, in response, passed resolutions, moved by Mr.

Chatfield of Otsego, declaring the Democratic party to be opposed to the extension of slavery to the free territory of the United States, but that it did not regard the slavery question or any opinion in relation thereto as a test of political faith or rule of party action. That the power of Congress over slavery in the Territories, and the particular modes of legislation thereunder, were among Democrats controverted questions, and it conceded to every one in relation thereto the undisputed right of opinion. The Free Soil Convention declined to accept this as satisfactory; re-affirmed their declaration as to the power and duty of Congress touching slavery in the Territories, but proposed, by resolutions moved by John Van Buren of New York, that, letting the disagreement stand unreconciled, the two conventions should go into a joint meeting, form a single organization for the Democratic party of the State, and recommend to the electors a single State ticket. The Democratic Convention declined by a unanimous vote to accept the proposition, and the conventions adjourned.

The speech of Mr. Dickinson, stating his position and what he conceived to be the position and policy of the Democratic party, and in opposition to any union except such as should be made upon principle, was made on the third day of the sitting, and pending the resolutions of Mr. Chatfield.]

MR. PRESIDENT: It is now thirteen years since I have met with my Democratic friends in State convention. I have come here now from the county which I have the honor to represent, to give expression to the sentiments of my constituents there, with no expectation or desire to influence the opinions of others, but simply to commune with my fellow-Democrats here on the subject that agitates the country. I believe it is due to myself, that it is due to the convention, and to our common constituents, that I should speak my sentiments plainly on this subject. I shall not detain the convention longer than is necessary. I am not peculiarly sensitive to misrepresentation; but I think it proper that I should state clearly and explicitly the position I occupy and the reasons which govern me. They are satisfactory to myself, if not to others; but I believe they will be in the main satisfactory to all true Democrats.

For present purposes, I waive everything that transpired prior to '47. Up to that time there had been no creation of parties on the slavery question. No sectional organization had taken place; but every one entertained and enjoyed his own opinion on the subject, in its moral as well as constitutional.

bearings. The opinion, I believe, in Congress and out of it, by those who admitted the power of Congress to legislate over it, was that the power, whatever it was, if any existed, was derived more from the course of legislation than from any constitutional delegation of it. For myself I do not believe that federal legislation can be usefully employed in that direction. Still in times of difficulty it has, by a kind of common consent, been settled, and I think that sovereign States could meet now as they have met heretofore, and, acting with good faith and kind feeling, and in the spirit in which the Constitution was framed, place the question, by conventional arrangement, upon some just and equitable ground, satisfactory under the circumstances to all the members of the Confederacy.

When in 1847 a sectional organization was formed—I mean an organization on this question—for the first time in the history of our politics, I saw that all hope of a conventional adjustment was at an end. From that time I have looked upon it as fraught with danger to the stability of the Union, and have strenuously maintained a position of non-interference with the question. I have held that position up to the present time, for reasons which I will state, and which I deem conclusive.

My friends on all hands agree that nothing can be more deleterious to free institutions than the creation of sectional or geographical parties, though we may differ honestly as to the manner by which we can most successfully oppose their formation. I know it has been said—many here have no doubt heard the charge often made, if not here, at least elsewhere in the State—that I am in favor of the extension of slavery. My opinions—and they are matured opinions, deliberately formed—they are a part of my constitutional inheritance—as well as every thought and feeling and impulse of my heart, every verse and chapter of my political creed, every syllable of my political education, teach me that our political institutions are founded in equality; and I repudiate as one of the foulest calumnies, that I am in favor of slavery in any form. I look on Democratic institutions as having gone out into the earth on a great mission of light, disseminating knowledge, carrying the glad tidings of freedom and good will to men, and second only in their fertilizing influences to the benign spirit of the Christian religion itself. I believe that the work of extending freedom to all man-

kind cannot be accomplished in man's brief moment ; but that that mission is abroad and will accomplish its good work in the time of Him who controls the destiny of nations.

My position, then, is not in favor of slavery, and, not favoring the institution, I cannot favor its extension. I repudiate the institution, in all its forms and in all places, whether at the north or the south, the east or the west ; whether the bondman be black or white, and whether the limb or the mind be held in servitude. But I see it having existence and operation in some of the States of the Confederacy—existing not only, but recognized by the Constitution which binds us together as a family of States ; and that it is a matter of their own, and that we have, legally, nothing to do with it. In this state of things, unfortunately, to say the least, a sectional party has been formed. I cannot and will not act as I would have acted, or speak as I would have spoken, had there been no such party formed, though under no circumstances would I have interfered with the rights of others. I cannot, as a citizen or a legislator, do what I would have done otherwise. Whoever else may, I will not, by thought, word or deed, manifest my contempt for the parting injunction of the Father of his country, against sectional organizations. In his last parting address to his countrymen, he warned them against such organizations, as the rock on which this Union might split. I, sir, would heed that good advice of that great and sainted man. Hence, I would not favor anything that would be deemed to be a sectional party. I would not do that which would tend towards it in any contingency. I would not hold language that could be tortured into its encouragement. I would not touch, taste, nor handle this subject, especially until the excitement of the hour had passed by ; until this sectional organization had been disbanded ; until all the members of the Confederacy could sit down and reason together, prepared to commune with each other as a family of States, and dispose of this dangerous and difficult question in the Territories, in a becoming manner and spirit. Such would be my wish. Such, I could hope, the wish of all.

Having thought deeply on this question—having been called to act upon it in a responsible station, I desire to state the position I have occupied and now maintain, and see if there is essential disagreement between my views and those of the great

body of the National Democracy. I war on no man, or body of men. The history of political controversies shows that those opposed to-day, in principle, may be united to-morrow. There is nothing in this conflicting organization sitting in this place, bitter and unsparing as have been the crimination and recrimination, which, if I agreed with them in principles and they with me, should prevent me from freely extending them the hand of fellowship and uniting with them in political communion. The remark so feelingly and appropriately made by the Chair on the opening of this convention, admonishes me not to war with man. In that address we were impressively reminded that two distinguished individuals, who five years since were our State and National standard-bearers in a mighty and successful conflict, and were raised to the highest political distinction by the favor of the same united party, have gone to their long account. Shall we then war with man, who to-day lives and to-morrow goes down to his grave—war with what to-morrow may be a mere handful of dust? We are admonished not to indulge embittered personal feeling, and belittle the otherwise honorable and ennobling struggles that always have and always will be made in behalf of those sacred principles that lie at the foundation of democracy—that have had no beginning and can have no end. Such is my belief; such my position; and if there be personal feeling which can control or influence me in this matter, Heaven knows that I am to it a stranger.

How far, then, let us inquire, can we go to produce reconciliation in the matter that has called us here, with propriety or safety. I will go far in all things personal, and in principle I will go to the very verge of the precipice—where I can look down into the gulf and see the danger and destruction. But I will not take the last and final leap; and I am sure my friends will not go further than I will. The Democratic party, it is said, is basely slandered. It can never get rid of slanders, nor its individual members of reproach and calumny. From the day of Jefferson's red unmentionables, the songs of his dusky amours, the Federal cant that he was to burn the bibles and demolish the churches, down to the present moment, the Democratic party has been covered over with reproaches and contumely, in its creed, its organization, its measures, and its individual members. The patriot Jackson, too, than whom no man was ever

more firmly rooted in the affections of the people ;—who does not remember the coffin-handbills of his day, perpetuating the memory of David Morrow and poor Johnny Wood, and the lamented “six militia-men ?” Who has forgotten the marked sympathy of Federalism when old Hickory hung two British agents, when he ought to have hanged forty ? Who does not recollect the electioneering romance, that he hung them up under the second section, and then looked for the law to justify it afterwards ? The Democratic party nevertheless preserved the even tenor of its way. Unharmcd by the impotent slanders, it moved on, unawed.

And permit me to ask you, sir—[addressing the President, Gov. Marcy]—you who have been selected unanimously and with loud acclaim by this Convention to preside over its deliberations, and may therefore be addressed as the embodiment of its feeling and the sentiments of its constituency ; you who have so long and so well filled the high places of honor and trust by the favor of the Democratic party ; have you fared otherwise ? Have you, around whose head the missiles of political strife have so long whistled, and party tempests howled, ever been diverted from your course, or disturbed by Federal assaults ? You, at whose feet have fallen so many poisoned arrows of detraction ; you, whose breast has so long been the target for the shafts of calumny ; you, who, as Minister of War of this great Republic, conducted a campaign in a manner unheard of before in the annals of brilliant warfare—without a single reverse or the loss of a single battle ; you, who, by your own indomitable energy, sagacious forecast and skill, literally planted the stars and stripes on the Halls of the Montezumas ; you, who directed the struggle which resulted in adding half a continent to our possessions, a vast empire on the Pacific, rich in mineral treasures as the gold and gems of the east ? Regarding, then, you, sir, as a fair index of the present tone of the Democratic masses, I ask if you are alarmed—if you shrink or hesitate or fear or quake or tremble in your course in this emergency ? We all know you do not. Has the Democratic party cut loose from its moorings ? Is it frightened from its propriety by the hypocritical cant of its opponents ? The answer is a negative response from all. If there be a single individual who imagines that this is so—or is likely to be so—that the catholic party of progress has become alarmed at the

slanders of its opponents, I would point him to you, sir, as one who presents in his own career and present position, as President of this Convention, the embodiment of the progress and vitality of the Democratic party and its principles, and of the equanimity with which it receives and defies assault. No, sir; no. The Democratic party stands where it always has stood—true to its creed as at the first—tolerant in matters of opinion and belief—but discarding the isms of the day and the issues of the hour; and it will stand like the rock in the ocean, defying the angry surges of its waters. Though it heave and beat and cast up its mire and dirt, though the storm howls around it, though the lightnings flash and the thunders roar, and all is gloomy and tempestuous, the clouds will by and by be driven away by the healthful and cheering breezes of popular intelligence, and we shall see the Democratic bow of promise spanning the political horizon in the distance.

A minority position has no terrors to a true Democrat. He wishes not to succeed if he must leave his principles behind him. Our Whig friends can be everything, anything, and nothing—slavery men in one place, anti-slavery men in another, and no men at all in a third; and it is just as well for them. Their party is made up of listing, shreds and patches. They can have as many sorts of doctrine in their creed as a turtle has of meat. But the Democratic party is a catholic party, having for its guidance a few well-defined and settled principles, leaving all else to individual opinion. And what has it done? Look over the surface of the broad Union and see. From thirteen States, the Democratic party, by its wise progressive policy, in spite of Whig opposition, has given us thirty, and territory enough for nearly as many more. It has not been able to eradicate from our soil the British institution of slavery; nor could it do it with safety to either North or South, now, if it had the power. But it has been able to give freedom, in the true sense of the term—the freedom of self-government—to millions of human beings; and has opened the way through which the oppressed of the whole earth may come and repose under the shadow of the tree of liberty, and partake of its fruits. So much the Democratic party has done already. It has had before this its divisions and reverses; but I stand here to-day, in the spirit of

Democracy, to invoke every one, whether here or elsewhere—in the populous city or in the log hut beyond the mountains—to come up to the support of Democracy—honest, iron, unyielding National Democracy—and, laying aside non-essentials, to take the great cardinal principles of its early faith, and with them march forward to victory.

On this territorial slavery question, my position is this: I am, as an individual and a legislator, not in favor of the extension of slavery; but out and out, up and down, live or die, I am opposed to its existence. That, I hope, is understood, and, especially since a sectional party has been formed, I am equally against the utterance of any sectional opinions by the sovereign voice on the subject, and against any legislative action. My reasons for this I will proceed to state briefly. It is most generally conceded that we ought not to act upon it, that there is no necessity for action on the subject. The agitators themselves mostly regard the question as an abstract one. But they say that there should be an expression of opinion. From all such I beg leave to differ; but I differ from them no more than they differ from me. I will not censure them for their abstract opinions, though they may censure me just as much as they please, illiberal as I may think them. The reason why I would not speak upon the question in the sovereign voice of the State, is to me most satisfactory. The members of this Confederacy are equals; they are families of the same neighborhood, and no one has the right to wound the feelings or humble the pride of another. What we say here in our individual capacity in the exercise of free expressions of opinion in discussion, is within our own family, and does not fall upon the ears of our sovereign neighbors as the voice of our State. But when we speak through legislatures or State Conventions, we speak a sovereign voice to sovereign ears, and if we would preserve equality of right and good neighborhood, we should hold no language but that of kindness. I would treat sister States as sovereign members of the same Confederacy, and as though desirous of maintaining the relations of good neighborhood. Some of the States have institutions that we have not, and we lack institutions which they have. You and I live neighbors. You have servants in your family. I have none in mine. What course will most

conduce to good neighborhood between us as individuals? For me to hold conversation in your hearing and that of your neighbors and domestics to this effect?—"I do not desire to interfere in your domestic affairs, but I would not have such arrangements as you have, and in short I condemn them. I think you should not have servants to do the cooking, or your domestic business generally, or the house-keeping. I think it wrong. I think you should pay more and require less, and if I was one of your servants I would run away, and I hope your children will not follow your bad example. Still, I don't interfere in the least with your domestic affairs. I and my family do our own work; and we are all the better for it, and you are violating all the rules of justice and propriety by not doing as we do." Now, sir, would this conduce to good neighborhood—particularly if you had long been goaded and irritated, and had become sensitive. If I propose to act out my opinions, and to compel conformity, then I ought to speak out manfully. But those who do not propose to act, should not speak in a sovereign voice, in language which it is known will be offensive. If there was, and had been, no sectional party formed, living and moving in a spirit of agitation and irritation, I agree that much might be said with propriety that cannot now be said. Irritation existing, if we hold any language on the subject, even that which under other circumstances would have been kindly received, it will be calculated to add to the irritation, and we should say no more than is necessary to repel imputation.

These remarks, Mr. President, are of a general character and are not pointed at the resolutions now before the Convention. I came in after they were offered, and do not know their exact purport; nor is it necessary I should, as they seem to meet the views of a majority of the Convention. I do not propose to review them, though I suppose they go further than I would go. I speak generally. I would prefer to wait until this state of irritation is over, before passing resolves upon the subject, except to condemn agitation. As to these differences between North and South, it is said the Southern people also hold irritating language. Suppose they do? I disapprove of it, and would not imitate it. I think some of their positions extreme and imprudent. But we can afford to be generous.

We are the Empire State, whose power, when brought to bear upon results, is generally decisive. And though its political power is now perverted to the uses of those who, like their leader, or rather follower, have no friends to reward nor enemies to punish—yet all know from experience that their days are numbered. The hand-writing upon the wall, over against where “the second Washington” is sitting, is already visible. And if our Democratic brethren will only have patience, they will soon see the knees of the present dynasty, who are rioting in their ill-gotten position, tremble like Belshazzar’s at his impious banquet. We must not forget the South is differently situated from the North. Property is always sensitive. Slave property, of all others, is peculiarly so. He who has powder stored in his cellar, or upon his premises, not very well secured against fire, may well be disturbed while the boys are firing crackers under his windows, or sparks are emitted from other causes. He who has nothing combustible in his—perhaps potatoes and pork—may well look on undisturbed at these amusing national pyrotechnic exhibitions. But can he censure or laugh at his neighbor who has the powder in, because he is annoyed by the approach of fire under his very nose? Can he, because he had as lief they would fire crackers as not around his dwelling, wonder that his neighbor is annoyed? The South sleeps on a mine. They have had servile insurrections promoted by incendiaries, and families murdered in sleep, and they live in constant fear of others, while incendiaries are prowling among them. They sleep, at times, by compulsion, as it were, on their arms. They may well, as they wake in the morning, congratulate themselves, while an incendiary spirit is stealing in their midst, that another night has passed in personal safety. They, many of them, regard the institution in a social sense, as dangerous, and they naturally brook with difficulty any interference with it from abroad. From this or other causes they are an excitable people. But they are generous, and our brethren, and as forbearing as we should be under similar circumstances. We have formed a compact with them when we and they had this institution in common. Whilst we should not avoid saying what we think, when necessary to say it, we should not, merely because we have the right, say what we need not say, to wound and

harass them. They are the weaker party. They know this institution to be a perilous one, and in some sections of the slave region they are struggling with it themselves, like strong men armed. I aver that, but for the fanatical and aggressive spirit of abolitionism here at the North, it would long ago have been abolished in several of the Northern slave States; in Maryland and Kentucky that every one believes. It has eaten its own head off in Delaware already by a natural process. And I believe it would have gone down in Virginia, "the mother of States and statesmen"—where it is said I wished I had been born. As many as twenty years ago they came to a tie vote in their convention, on the question of gradual abolition. But this Northern agitation and offensive interference with it naturally and properly drives them together. Jealousy, under the increasing power and wealth of the North, no doubt adds to the feeling of irritation there on this subject. They see us flourishing whilst they are depressed—our population increasing while theirs decreases. They see everything green and bright to look upon here, whilst in the grain-growing and grazing regions of their fair land, perpetual sterility curses a half-tilled soil with that expensive and profitless labor. Can we not afford to treat them justly as well as generously? Ought we not to allow them to manage this matter for themselves and in their own way, as they permitted us?

This being the position of things, I long since saw that it could not be treated of conventionally by the States until this agitation was over. I abandoned all hope of seeing it thus settled. I sought to turn off its agitation from the halls of Congress, where it should never have been carried, until a state of feeling should exist that would at least promise an adjustment of the question in a manner acceptable to all. Sir, in the fall of 1847, I repeat, this agitation commenced in this State, in the shape of a sectional organization. In a spirit of forbearance and patriotism, bringing to the question the best reflection I could command, I came to the conclusion that Congress could deal most profitably with it, by turning it over to the people of the Territories, and to save all cavil about power, I waived all consideration of it. In 1847 I introduced in the Senate of the United States two resolutions in regard to

the organization of the Territories embodying this principle; and let me say, by way of episode, that the day is coming when these resolutions are going to take effect, or rather express the true sentiments of a large majority of the American people. I saw an empire on the North coming in: and whilst I declare myself in favor of it at the earliest practicable moment, no one, I hope, fears that I expect to extend slavery there, or, because I am in favor of annexing this, that there is no other direction in which this Union is to expand. [A voice: "Is it Cuba?"] Yes; Cuba and Canada both. Let the one take care of itself. We'll take the other first.

In the doctrine thus enunciated, I neither affirmed nor denied the power of Congress over the subject—that I might not drag in that legal abstraction to embarrass the question. It simply expresses the opinion that man is capable of self-government; that it is better—more in accordance with the spirit of our institutions—to leave the matter there, under the existing emergency; and that, without looking back to the tyrannical precedent of that living compound of scrofula and gold-lace, called George III., it asserts that the decision may be safely left with the people of the Territories. And let me ask, in the spirit of a Democrat, is man capable of self-government? And if so, does he know less, after shifting his residence from a State to a Territory, from New York to California, than he did when he lived here? Has he less of the rights of a man? The Republican theory is that man derives his sovereignty from God; that the States derive their sovereignty from man; that if man chooses to inhabit a Territory instead of a State, he is just as much under the cognizance of the Almighty, just as much a sovereign, and just as capable of self-government, as we are in the States. Who go there? Are they not our friends, relatives, brethren? Do they leave their discretion, judgment, and principles behind them when they go, or on their way there? Look over our Pacific territory, and see who they are that now people it, and how they got there. It will be found that, like our nearer possessions, none but the intelligent, enterprising, and industrious of our population have as yet gone there in any considerable numbers. The fools and knaves will follow. The really valuable, hardy, sensible, and capable, went by water round the Cape; or by marked trees and Indian trails. What!

the people of the new settlement incapable or immoral! Look over the history of the American government. Where have been your insurrections, and robberies, arsons and murders, church burnings and mobs? Did you ever hear of any in your distant Territories? No. They are in your large cities, where the spires are so near each other that the music of their choirs mingle as they ascend to heaven. There all the mobs and riots are—not in the new Territories. The population of those Territories are at this moment ripe for assuming the dignity of freemen of States of this Confederacy. Are they not capable of acting on this question? Go to California. Their language is as decided and ten times more unanimous on the subject of slavery than the expression here or in the other Convention, assembled here to consider the subject. There, there is not a dissenting voice—not one. As to New Mexico, they sent out their mission to us a year ago, washing their hands of it, and declaring they would not have it. Shall we undertake to settle a matter for them that they have settled themselves, and understand as well as we do? These Territories have had no infancy. They have sprung up at once into vigor and maturity—leaping like the goddess, full-armed, from the brain of Jove. Like the people of this country, in these latter days especially, there is no intermediate minority between the boy and the man. They leap at once from babyhood to manhood. Hence it is in this respect alone that this matter is not worth controversy any way. It is a question about “goats’ wool”—an issue that has already had its day, and will soon expire by its own limitation. It has become a mere hobby. It has to carry double now, and is already worn and jaded. Set another party on it, and it will break flat down. Besides, a suit would lie against us under the patent law—and we should have to pay heavy damages for infringement upon the Whig abolition platform. No. Let the Democratic party stand on its own ground.

But, having said what I would not do, it may be expected that I should say what I would do. I will do so. My position is with the Democracy of the Union. Unless they want to make the existing law stronger by cross-lapping—by putting another law on the top of it—why not leave well-enough alone? If I said anything, I would say that I am not in favor of the extension of slavery. And that is not a distinction without a

difference. I would say further, that I would stand there, and, if you please, like him of the flaming sword; and that the first effort which proposed to extend slavery I would oppose; although I am not aware that any one desires or proposes to extend it by law of Congress. But until that was attempted, I would not invite it by officious and unnecessary opposition. I would simply stand guard on the frontier. I would not act myself nor let any one else act; I would not permit laws by Congress to extend, nor ask for laws to prohibit; but let the people of the Territory take care of it, as they are so soon to be States. I would not oppose slavery extension in advance by law, or extend it by law. Both extremes of opinion can stand by, and suffer the people of a Territory, already a State except in form, to dispose of the question, with propriety, and in peace. Therefore, instead of saying that I am opposed to the extension of slavery there, I would say I am not in favor of it. That is the doctrine of non-interference, and is and must and will be the doctrine of the National Democratic party. Congress shall not touch the question, but, it being a domestic question, the people of the Territory about to become States may and ought to dispose of it. Is not that fair and common ground? And if we have faith in the capacity of the people to govern themselves, it is ground upon which all can stand. I do not know whether my friend's resolutions take this precise position. If they embody this doctrine, I support them cheerfully. I prefer the form of expression which I have indicated, because it expresses clearly the position of non-interference. I, Sir, like you, have been laden with the honors of the Democratic party in our State. I have no right to dictate to that party, or to shape and direct its course; nor have I any such desire. I recollect too well—for my memory is acute on that point—where they found me and where they placed me. They made me by no means a king, yet they brought me literally, like the fabled peasant, from the garden; and I desire not to hold a sentiment that does not belong to that party; I would express no opinions but those it holds dear. I desire a full, free, perfect understanding with it and all its members, and to see it continue in entire harmony and concert of action with the great Democratic party of the Union. It has been said that the South has done this, and that, and the other—and that we of the North have a right to com-

plain. But look back a moment to 1840—when the proud Empire State quailed under the blows of the enemy—and when the South stood united in favor of New York's candidate for the Presidency. To be sure they were borne down by the overwhelming vote of the Northern States—but did the South give way to them? Away 'then with this spirit of crimination and recrimination.

The Democratic party of the Union must stand or fall together. Under no mere sectional organization can it act at all, much less with success in a Presidential contest. The North is bound to be just and can afford to be generous towards the South. It should hold no language but that of kindness and generosity. Above all things should we avoid the language of irritation and reproach. How, sir, was I treated when I offered the resolution I have read to this body? The Southern slave agitators, for they were there, said it was worse than the proviso. Northern abolitionism said it extended slavery purposely everywhere throughout all our land. And like all who interfere in a family quarrel, I found myself in conflict with, and receiving blows from both sides. But, Sir, I have seen the necessity of standing up, and of standing straight up, leaving consequences to follow in their own good time. The Democratic party must have patience. We cannot extend our platform, if we would, to get rid of Whig or Abolition slanders, without weakening it and destroying it altogether. Though it should be made as long as Jacob's ladder, it would not be long enough to guard us against the slanders of our opponents. As for our Whig friends who go in on the weakness of the Democracy, and go out on their own, they must soon take the latter course. They will be ready to go out before we are ready to go in, if we are not careful. The true course for us is to place this question on some common ground, where we can stand firmly and unitedly. This is no time for the Democratic party to falter. Its mission is not only here, but over the entire hemisphere. The old world is reeling and tottering under the convulsions of the hour. Day after day, thrones and dynasties go by the board, under the slow but sure workings of the Democratic principle. Let us bear up this proud example of a free government, for the encouragement and imitation of mankind. Continue in the Democratic faith. Lay aside non-essentials, or, at

least, do not engage in domestic conflicts over them. I can go in everything, personally, as far as any one here. In all that looks toward human progress and rights, I acknowledge no superior. But in matters of party principles, I would go no further than I have indicated. I would greatly prefer that all would unite with me, but I would not impose my opinions on them, nor do I pretend to lay down boundaries for others on this question. I have seen, sir, some service in the Democratic ranks. I have stood by its principles, its measures, and its men, until my head, which was almost white with youth when I entered, is covered with premature frosts. I love it—its principles and its usages. I desire to see that glorious party united, strong and victorious. I believe it can and will be ere long firmly united and again proudly triumphant. I would not blindly adhere to preconceived opinions on such a subject; but, entertaining the views I do, for the reasons I have stated, I would go no further than I have indicated; but if others think differently, I cannot have the least wish to control or overrule their judgment.

SPEECH

UPON THE RESOLUTION OF MR. CLEMENS, OF ALABAMA, CALLING UPON THE PRESIDENT FOR INFORMATION IN REFERENCE TO THE APPOINTMENT OF A MILITARY GOVERNOR FOR CALIFORNIA, ETC., AND IN ANSWER TO REMARKS MADE BY MR. CLEMENS.

DELIVERED IN THE SENATE OF THE UNITED STATES, January 17, 1850.

[A portion of the preliminary proceedings, sufficient to show the occasion and the grounds of debate, is given.

The resolution came up in order, and was read by the Secretary.

MR. CLEMENS. I stated the other day that I thought it probable that the information called for by this resolution would be furnished in answer to the resolution which has been adopted by the House of Representatives. If this should be the case it would be unnecessary to adopt this resolution; and I thought it better, therefore, to wait and see the answer to that inquiry.

MR. DOUGLAS, of Illinois. I trust the resolution will be adopted. If the answer made to the House cover the entire subject, it will be a very small affair—a matter of very little difficulty—to send a copy of it to us.

MR. SMITH, of Connecticut, moved to lay the resolution on the table, but withdrew the motion at the request of Mr. Douglas.

MR. CLEMENS. I hope no Senator will be influenced in his action on this subject by any desire to extend courtesy to me. I ask nothing of the kind at the hands of any man. I desire them to vote according to the dictates of their own judgment, and to understand, too, what they are voting for. It has become so much the fashion here to discuss everything but the precise question before the Senate, that it has come to be regarded as the regular practice and custom, and the Senator who objects to it is considered captious and ill-natured. The question is not now whether this resolution shall be adopted, or whether I or anybody else is in favor of it, or even whether we want the information proposed to be obtained. That is not now the question. It was the question

the other day, however, and the Senator from Illinois [Mr. DOUGLAS] voted against it. It is his fault that the information has not been furnished to the Senate; and I must be permitted to express my surprise at the new-born zeal to obtain it which seems to animate him now. Why did he not vote for its adoption at the time he caused it to be laid on the table? Who prolonged this matter and prevented us from receiving this information before this time? It was the Senator from Illinois. He moved to lay it on the table, and his vote carried it there. I say the question is not now whether we want this information, or whether it is necessary, or will be of public utility, but whether it has not already been furnished to the House of Representatives; and if so, is it not an unnecessary requirement to call upon the Departments again to furnish it to us? That, sir, is the only question here now. I think it is very probable that the information has been already furnished, and I want the resolution passed by now for the purpose of ascertaining whether it has or not.

I move, Mr. President, that the resolution be laid on the table.

Mr. DOUGLAS. I claim the privilege of making a single remark. As an act of courtesy, will the Senator from Alabama give me the opportunity by withdrawing his motion?

Mr. CLEMENS. No, sir.

Mr. DOUGLAS. I ask the privilege, then, of the Senate, as an act of courtesy.

The VICE-PRESIDENT. There is no way of obtaining what the Senator desires, except by a vote of the Senate.

Mr. DODGE, of Iowa. I ask then, sir, a vote of the Senate.

Mr. KING, of Alabama. I hope my colleague will withdraw his motion, and allow the Senator from Illinois to proceed.

Mr. CLEMENS. Very well; at the suggestion of my colleague, I will withdraw the motion.

Mr. DOUGLAS. I will not say that I regret—though I did not expect—yes, I do regret that the honorable senator from Alabama has given the turn to this matter which he has. He has charged me with being responsible for the delay of this subject, because the other day when he was anxious to have it acted on, I moved to lay the resolution on the table, at the same time assuring him that I would move to take it up in an hour. The reason I gave was, that it had come up accidentally on a motion of mine to suspend the order of the day to get at the consideration of another subject; but I pledged myself that I would move to take it up in an hour, and would vote for it. With what fairness, then, can the honorable Senator from Alabama charge me with having postponed it to this time, and with having caused this delay? Can he with fairness charge me with having voted against this inquiry, when he heard me, and every Senator heard me, offer to vote to take it up in an hour; especially, when I went to him in fifteen minutes, and offered to

move to take it up, and he told me he did not want me to do it, because it was laid on the table by a sectional Northern vote, and he wanted to prove and use that fact at the South—that the North would not allow the South to have an honest investigation of this matter. He had accomplished his object, he said. I told him, if he had accomplished his object that I had not accomplished mine, and that I desired to see the resolution adopted. Hence, I expected that yesterday, when the subject might have been brought up, the Senator would let it go over, and I expect he will do so again. I wish to show that Senator that my object has never been concealment. I am anxious to see this resolution adopted, that it may not be said in the South that the North, as a section, has stifled investigation on this subject. That was my object to-day in laboring hard to get it up, and I am astonished that the Senator from Connecticut did not understand the movement that was playing and going on. It has been a matter of by-play which I have understood all the time.

Mr. BUTLER, of South Carolina, Mr. DOWNS, of Louisiana, Mr. DAVIS, of Mississippi, and Mr. BORLAND, of Arkansas, denied all knowledge of any such understanding.

Mr. DOUGLAS. Well, I will explain. Several Senators came to me—I do not know how many—and said they believed many were willing this resolution should be regarded as laid on the table and kept there by Northern votes. I was willing to reverse the vote of the other day. Other Senators, so far as I had spoken to them, desired to show on the record that they were not unwilling that the investigation should be made. And when it was whispered in private circles and here, that the North had been caught, and that it would be held up as a sectional vote against allowing this investigation, several Senators spoke to me, and desired to have the question taken up.

Mr. KING. I much regret the course this debate has taken. I had supposed that it was the wish of my colleague that this subject should be taken up and finally acted on, and I was not aware that he desired any postponement of it. As to the disposition manifested by any portion of the Senate with regard to this subject, of which the Senator from Illinois has spoken, I myself knew nothing; and if the Senator has been told that there was any disposition on the part of any Southern man to press this resolution with a view to effect an object different from what it expresses, let him name him.

Mr. DOUGLAS. I went to the seat of the Senator from Alabama, just after the vote was taken the other day, in the kindest feeling, and said to him that I would move to take up his resolution on that day. He said to me that his object was accomplished; that it was laid on the table by an almost unanimous Northern vote; his object was thereby accomplished, and he desired the South to understand the matter. I said that mine was not, and that he ought not to make such a use of

my motion, because he knew I only desired to lay it on the table temporarily. He replied, you may have done so, but you are the only one. I was desirous, from that fact, that it should be taken up, and to have that vote reversed, so that no such use might be made of it, and I desired also to have it taken up, because I think the resolution should be adopted.

Explanations between Mr. King and Mr. Douglas, regarding the state of the question and the previous action upon the resolution, followed.

Mr. CLEMENS. I do not know that it is necessary that I should say more in relation to the merits of this question, but there is a matter between the Senator from Illinois and myself which requires that something should be said by myself. And I take occasion to say that a Senator who undertakes to retail private conversation ought to be cautious what he says in relation to it, because if it should happen that the memory of the individual and his own should differ, he might find himself awkwardly situated. But he runs no risk in retailing what I have said. My lips avow what I do, and my hand is ready to defend it. I said to the Senator from Illinois pretty much what he has related, and something besides, which he has not told. I did tell him when he came to me and offered to make a motion to take up this resolution from the table, that I did not want his help. I did tell him also that the North had proved what I always knew—that the Northern Democrats wanted to shield the President from this investigation, because the slavery question was involved in it.

Mr. SHIELDS, of Illinois. I disavow, for myself, any such imputation, that I gave a vote for any such purpose.

Mr. CLEMENS. The gentleman is perfectly at liberty to disavow it if he sees proper. I repeat that I said it, and I say it now, and I am responsible for what I say, sir; that the people of the Northern States were willing to shield the President from this investigation, because the question of slavery was involved in it; that on a resolution of this sort the entire body of Northern Democracy were found voting against it. I told him that I wanted to show to the people of the South that they were laboring under a delusion.

Mr. DICKINSON. I will thank the Senator not to include me. I voted against the motion to lay on the table.

Mr. CLEMENS. I beg your pardon, sir. I said the people of the South had been heretofore laboring under the delusion that the Northern Democrats were their friends. I said it was a delusion, and I was glad to have an opportunity of explaining it to them. God deliver me from such friends as the Northern Democrats! I would rather trust Northern Whigs to-day. They commenced the game earlier, and have not to go so far to get in a proper position. Look at the resolutions of Democratic Legislatures and the messages of Democratic Governors,

and the resolutions adopted by Democratic conventions, and then tell me about Northern Democrats being the friends of the South. They may vote in a body for the adoption of this resolution if they choose, but it will do us no good; because a similar resolution has already been adopted in the House, and this investigation must go on. They come forward now, with their aid, when we can afford to dispense with it. They tell us now they are willing to adopt the resolution, and the gentleman from Illinois says it is necessary to put himself in a right position. What is that position? It is to enable him to go before the country and to tell the South that he is still a friend of the South, and to deceive them a little longer. That is the position of the Northern Democrats. Put them to the test, put something practical before them, and where is the aid which we get from the Northern Democracy?

The junior Senator from Illinois [Mr. SHIELDS] has seen proper to disavow a declaration made by me in terms which I suppose were meant to be offensive. I repeat, therefore, for his especial benefit, what I said before, that I am responsible here and elsewhere.

Mr. DODGE. I call the gentleman to order. I wish to say that in debate such personal remarks should not be allowed.

Mr. SHIELDS. Will the Senator from Alabama allow me—

The VICE-PRESIDENT. What is the point of order?

Mr. DAVIS. The point of order is to exclude all personal remarks, and I hope it will be enforced.

Mr. FOOTE of Mississippi. Will my friend from Alabama allow me?

Mr. CLEMENS. Certainly, sir.

Mr. FOOTE. I hope my friend will allow me to say to him that I am sure one or two of his remarks must have fallen from him without due deliberation, as I know is the case with myself often in the heat of debate, and as I believe is the case with himself on this occasion. I have been here for some time, and I have had free and unreserved intercourse with certain Northern Democrats, whom I esteem, and whom I hope my friend from Alabama will hereafter have cause to esteem also. I could mention a great many names to him whose merits he would recognize at once.

Mr. Foote proceeded at some length in the same course of remark, naming several Northern Democrats as illustrating his statements.

Mr. SHIELDS explained that so far from intending anything offensive, what he said was with the express design of satisfying the Senator from Alabama [Mr. Clemens] that his vote to lay the resolution on the table was given without any reference whatever to the question of slavery in the South, or abolition in the North.

Mr. CLEMENS. I am glad to hear the honorable Senator's statement. I am glad that this episode is happily ended; and to the honorable Senator from Mississippi I will take occasion to say that there is no man in this body for whom I have a more sincere respect or kinder

feelings. He has, as he has a right to do, presumed on an acquaintance of long standing and many acts of kindness extended to me, to set me right, as he says, in this matter. I may not be right in saying that the entire body of the northern Democracy are against us, but I am not wrong in saying that there is not a Legislature, Democratic or Whig, north of Mason and Dickson's line, that has not instructed its Senators to do what the Legislature of my State has declared to be a cause for the dissolution of the Union.

MR. DODGE. You are wrong. The Legislature of my State has never done it.

MR. CLEMENS. I am glad that there are some of them who have not done so. But there are representatives here who do not need to be instructed. It is true, however, sir, that—

MR. DAVIS. Will my friend allow me to interpose a single remark?

MR. CLEMENS. Certainly.

MR. DAVIS. I would say, then, and I say it to him with the more confidence on account of the high regard I have for him, and the sympathy I have in his present position. I am myself subject to the same feelings of excitement, and especially on this subject. It is a subject on which we all feel, and feel deeply, and on which we are apt to speak strongly. But is it well to reopen the wounds which have already been inflicted in this sectional strife to the Union? Is it well to point to the wrong-doings of others, that they may recriminate on us, and widen the breach which already exists, and increase the danger which already threatens us? I ask my friend to calm himself, in order that his remarks may only be applicable to so much of this discussion as has a bearing on his position in connection with this resolution.

MR. CLEMENS. I will take the suggestion of the gentleman from Mississippi, and let the matter pass. I will say, then, in relation to the only matter which should have been discussed, and the only matter legitimately before the Senate, and the only matter that I have been anxious to say anything about, that the adoption of this resolution now is unnecessary; as the information it seeks is already obtained in the House of Representatives, and it is not necessary that it shall be copied over again and sent to us. My object was to get early information, and we failed to get it. Upon the motion of the gentleman from Illinois, no matter from whatever cause it was made, it was his motion and his vote which caused its postponement, and in consequence of that we have failed to get the information at the time we desired. He says he made the motion because there were resolutions on file which he wanted to have adopted, as they could be without producing discussion; the same state of the case applies now. There are resolutions that it was desired to get at this morning for precisely the same reason. There is the stronger reason that then the information had not been furnished to the House of Representatives, but now it has. I move to

lay the resolution on the table, and I give notice that I will not withdraw that motion again.

Mr. DICKINSON. I hope the honorable Senator will withdraw it to allow me to make an explanation.

Mr. CLEMENS. I will do so if it is a personal matter.

Mr. DICKINSON. It is partly personal and partly political.

Mr. CLEMENS. Then I will not withdraw the motion.

Mr. DICKINSON. I will then appeal to the Senate, and ask as a favor that it be not laid on the table.

The question was taken on the motion to lay on the table, and it was rejected. Mr. DICKINSON then proceeded:—]

I HAVE taken no part in this debate, Mr. President, and I regret that it has arisen, and especially that it has passed beyond its own proper boundaries. In the hour which is usually appropriated to morning business, I was engaged with my correspondence, and paid but little attention to the matter. But some things have fallen from honorable Senators, and especially from the junior Senator from Alabama,* which require not only to be noticed, but to be noticed here and now. Sir, that Senator, in undertaking to characterize the sentiments of whole communities, and the opinions of entire bodies of men, comprising a large majority of the people of this Union, entered upon the execution of a work which might well have been left to older, if not to better soldiers. In regard to this matter, Mr. President, though I have done no more than others, I think I may say, without the fear of contradiction, or of being charged with undue egotism, that I have stood up to it upon all occasions. I long since saw that it was a question fraught with perilous consequences. I saw that there was an evil spirit of sectionalism rising both in the North and in the South, having for its object agitation for sectional advantages, and I have condemned it secretly and openly—in thought, word, and deed. I never have lent myself to such unholy and wicked designs, and if God gives me that strength which he has thus far in mercy extended me, I here declare again, where it should be declared, that I never will, but that I will lend my best energies to crush and destroy it. I have stood here, under the sanctions of an official oath and the requisitions of the Constitution, like Casabianca upon

* MR. CLEMENS.

this question, which has so unfortunately, to say the least, agitated the country for the last few years, and here I will stand, even though immolation be the consequence. Others, too, of my Northern Democratic brethren have shown no less devotion to the Constitution they have sworn to support. I have stood up, not for the South, but for the rights of all, as guaranteed by the Constitution. I have disregarded personal consequences, and have scorned to count the chances of ephemeral popularity and place. I have permitted reproach and obloquy to discharge on me their exhaustless quivers of poisoned arrows, that I might secure the right; and when I hear myself, and those with whom I have acted, in rolling back the dark waves of sectional strife, denounced as unworthy of reliance—all in one grand mass excommunicated from fellowship with the Democratic church—in a single verse, and told, too, that we are less to be tolerated than our political opponents, I feel inclined to repel, in pointed and emphatic phrase, a denunciation so wholesale and unjust.

[Mr. CLEMENS. I call the honorable gentleman's attention to the resolutions of the 7th of January, 1847, and the 10th of January, 1848, and to like resolutions of 1849, of his own State Legislature.]

Mr. DICKINSON. I cannot now speak of the exact import of the resolutions. They were doubtless of an anti-slavery character, and similar to those passed by other Legislatures, North. It is well known that I differed with those who passed them upon the best mode of disposing of the question, and this responsibility I will settle with those who have a right to call me to account, and not with those who have not. The Legislatures which passed them have been sometimes considerably divided among themselves. Sometimes they have passed with greater and sometimes with less unanimity. The Northern sentiment upon the subject of slavery is in many respects entirely dissimilar to that of the South; but when we are told that there must be a sectional issue raised because of this, let the voice which so declares come from the North or from the South, I stand here to repudiate it. The people of the North regard the question of slavery as a constitutional guarantee, precisely as do the people of the South, and as such are ready to respect it. It is the political agitators in both

sections who have made all the mischief. Sir, take a small number of men out of the Northern and also out of the Southern sections of this Union, or silence their clamor, and this accursed agitation could be settled in less than a single week. I am for maintaining the Union in spirit as well as in form; and I have deprecated the assaults which I have seen made upon the Constitution occasionally in the non-slaveholding States, in the refusal to deliver fugitives from service according to a solemn provision of that instrument. But this, sir, I look upon as a matter which must be reformed at home, as it will be by a sound and healthy public opinion, when it shall set a just estimate upon the interference of political agitators, and condemn a morality that is purer than the fundamental law. But I will not even dwell upon the alleged errors of any section of my country. If she has ever been astray, rather than contemplate it, I would cast the mantle of concealment over her errors. I desire to preserve in all its vigor the glorious inheritance which our fathers gave us; to see the South secure in the full possession and enjoyment of their constitutional rights. I have stood by them when I thought them right, regardless of peril, and will now aid in shielding them from unjust and improper aggressions upon their institutions. In this struggle numerically they are the weaker party, and when I have seen them unjustly assailed, my sympathies have been with them; and I have exposed and denounced not only the sectional agitators, but have warned those against excitement whose views and intentions are just, but who have been provoked to retaliation by just such wholesale sectional assaults as are now heaped upon the North by the Senator from Alabama. Sir, crimination begets recrimination; and although men may put on the garb of philosophy for an occasion, they are yet liable to be betrayed by impulse and excitement; and when they hear distinguished Southern men day after day making sectional appeals, grouping all together and condemning all in gross, without stint or exception, they in their turn will make opposing declarations, and thus the work goes on. One sectional agitator begets another—a blow given brings a blow in return, and thus dissention makes the meat it feeds on. I have already said I regretted this subject had been introduced. Allow me to say, that I do not regret that it is

about to reach its culminating point. I care not how soon this may be the case. I believe that the great mass of the people of the South are honest, just, and generous, and that all they desire is to remain secure in the possession of their rights. I believe too, sir, that the great mass of the people of the North are equally just and equally generous, and true to the Constitution, and that they too desire nothing more than what they deem to be their rights, and the rights of the whole people, and best calculated to advance the honor of the Confederacy and the interest and happiness of mankind. When reviled I will not revile again. I will by no means repudiate the Southern Democracy. They have too often proved themselves worthy of the name they bear. Nor, sir, upon the question of this Union, much and radically as I differ with them upon other questions, will I repudiate the patriotic among our opponents. This question shoots too deep and stretches too high to be measured by political parties; and when the day of trial comes, if come it does, every patriotic man will breast himself for the shock, and sectional agitators will be foiled. The Constitution throws its broad ægis over this mighty Republic; and its people worship at its shrine with more than an Eastern devotion. They have contemplated the priceless value of the Union. They have thought of the blood and tears by which it was purchased. They see the proud vessel bearing majestically onward, and they exclaim in the language of the poet:

“Thou, too, sail on, O ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hope of future years,
Is hanging breathless on thy fate;
We know what master laid thy keel,
What workmen wrought thy ribs of steel;
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope.”

They will cheer on this noble ship; they will stand by this

Constitution; they will adhere to this Union; and although the Northern people are opposed to the institution of slavery, the great mass of them have no intention or disposition to trench improperly upon the constitutional rights of the South; and this they will prove, should the occasion arise, even though they should sell their lives in her defence. Sir, if it should come to the worst, as it never will, so firmly are the Northern people devoted to the Constitution, and armed incendiaryism, foreign or domestic, push a mad crusade against the South, and she be placed in peril; I am free to declare, I would, and so I believe would every patriotic man of the free States who had a sword to draw, draw it in defence of their Southern brethren and of the rights guaranteed to them by a common compact, and stand by them to the death. [Applause.] But, sir, they will only stand by her when she is right; and so long as she is so, no sword will be called into requisition, except against a foreign and a common foe. The very heat, natural and artificial, to which sectional agitation has attained, will work its own cure. It will burn itself out. Northern agitators and Southern agitators will find themselves side by side in their errand of mutual mischief. And the great mass of the American people will look upon this Union as it is, and upon Southern rights and Northern rights as they are, and will stand by them and protect them.

These territorial questions, this District of Columbia question, the question of jurisdiction in forts and dock-yards, arsenals and navy-yards, are temporary in their character, and, together with that of fugitives from service, would be soon settled by the good sense of the right-minded, were it not for the wholesale denunciations of men grouped together in whole communities and States; on one hand denouncing the North, the North, the North; and on the other hand, the South, the South, the South. This provokes the greater part of this struggle; I would suggest whether it would not be more wise, if gentlemen would exercise a little forbearance, always remembering the saying, "Let him that is without sin cast the first stone." I am willing to admit that the great mass of our Southern friends treat this question as it should be treated; and I am pleased to see them stand up boldly as they do for their right of being let alone. I am gratified to hear them, in

a proper spirit, stand by their institutions and defend them; for it serves to show what some seem practically to forget, that this Union is a sisterhood of free and independent States associated for a few common purposes, and not a consolidated federal government for all purposes. The North and the South stand together upon one great constitutional platform, and neither has a right to claim superiority over the other. The people of the South have institutions that are sensitive and that can be endangered by agitation in the North, and in opposing such agitation I have been willing to throw myself into the breach to turn it aside; I have attempted to call the attention of the Northern people—nay, of the whole American people—to the danger of agitating this question; and I would say in all kindness to my friend from Alabama that he gives more food in one speech for the nourishment of the Abolition movement, than all the Garrisons, Wendell Phillipses, and Abby Folsoms, and all the speeches of all the “Free Soil” agitators and abolition demagogues, put together. He does more to provoke assaults upon the institutions of the South than all that abolitionism has ever been able to accomplish in the hour of its greatest triumphs. I beg of that honorable Senator, when he has anything to say hereafter—unless he is impelled by a strong sense of duty—that he will not attempt to foment and carry on this sectional agitation. To what end and to whose good will result the dissolution of this Union, from the contemplation of which every patriotic mind instinctively recoils with horror?

I sing no hosannas to a Union without a Constitution. I admit that when the life and spirit have departed, the framework will be valueless and will tumble to decay. But the spirit has not yet departed, the life is not yet gone. It is true it has received many assaults, but it is capable of receiving and sustaining many more. Let those who are disposed to indulge in agitation, ask for the rights guaranteed by the Constitution only; but when they ask for these, let them not ask for what the Constitution does not guarantee. Let them not provoke assaults themselves, while decrying the assaults they invite.

The honorable Senator from Alabama repudiates and casts off the Northern Democracy. They will, however, do no such

thing with him. They will retain him in full membership, but endeavor to teach him some instructive and useful lessons. And upon this subject of reading out the entire Democracy of fifteen States of this Union, they will request my young friend from Alabama to tarry awhile at Jericho until his beard shall have grown. [Laughter.] I greatly admired parts of a speech which that honorable Senator delivered here a few days since. He therein depicted the position of the South in glowing and eloquent terms, and in a manner which was well calculated to call the attention of the American people to this question. And if we could at all times keep in view the high destiny of this nation, and the high duties of those clothed with power—if the American people would set their seal upon political hobby-riding for a miserable party advantage upon questions of this import,—there would be no trouble; or none which did not exist at the time of the original formation of this government. This question of slavery was one of difficulty then: and the same spirit of patriotism which rose above it then, the same principles of compromise which led to the formation of the Constitution, must preserve it. The Democracy of the North are not, and cannot be made, a mere sectional party. Our government, in one sense, exists in the organization of national political parties; we have nothing separated from politics. If you make a sectional party in the North, you will by the same act make a sectional party in the South. If you thus divide the Democratic party, you will also divide the Whig party; and when you thus divide political parties into sectional portions, the result will prove that you have taken a long step towards putting an end to the Constitution and the Union.

I have spoken only because I felt assured that the remarks of the Senator had a direct tendency to create and foster sectionalism, and to produce, what we all deprecate, a division of political parties by a sectional line—the formation of provisional sectional governments, and then a dissolution of the Union. Sir, this Union can never be dissolved, if representatives in Congress will only do their duty. If they will abide by the principles which their fathers taught them; if they will treat each other with kindness and courtesy and conciliation; if they will bear and forbear, and be as firm and as true as

the masses of the people, all will go well, and this republic will be able to outride the dark lowering storms which threaten its existence.

[Further explanations of a conciliatory character from Mr. DOUGLAS, Mr. DOWNS, Mr. DAVIS, Mr. CLEMENS, and Mr. WHITCOMB of Illinois, followed; when the resolution passed by yeas and nays.]

SPEECH

DELIVERED AT A COMPLIMENTARY PUBLIC DINNER, GIVEN TO
MR. DICKINSON BY THE DEMOCRATS OF THE COUNTIES OF
NEW YORK, KINGS, QUEENS, RICHMOND AND WESTCHESTER,
AT TAMMANY HALL, NEW YORK, June 17, 1850.

[The proceedings, published at the time, give the following account of the preliminaries to the speech.

"Long before the hour of sitting down at the dinner-table, the entrance to the long room in old Tammany was crowded with the admirers of the distinguished guest. At half-past six o'clock he arrived at Tammany Hall, escorted by the committee of arrangements. On entering the room his reception was most enthusiastic, all present seeming desirous to do him honor. At seven o'clock, the committee conducted the honored guest to the large room, followed by some two or three hundred citizens who had determined to enjoy the festive occasion. The band (Dodworth's) performed a favorite air during the time the company were entering the room. The following gentlemen presided at the various tables :—

CHARLES O'CONNOR, Esq., President ;
JOHN D. VAN BUREN, Esq., First Vice-President ;
ROYAL PHELPS, Esq., Second Vice-President ;
HON. JOHN A. LOTT, Third Vice-President ;
GEN. AARON WARD, Fourth Vice-President.

The room was decorated in magnificent style. It presented a spacious and splendid "*marquee*," beautifully formed at the top by several thousand yards of flowing tri-colored bunting, and at the sides and front by innumerable large-sized *republican* banners, promiscuously blended together. The lower end or entrance was an arch, surmounted by a golden eagle, composed of the American and French flags, united, as in the Revolutionary struggle, with each other. Over the President's chair hung an original portrait of Washington, by Stuart, kindly loaned to the committee by Mr. Crumby, and around it was entwined the never-fading emblem of our glorious nation. Immediately on the right was suspended, elegantly and richly ornamented, the coat of arms of

Virginia, the birth-place of the immortal father of his country ; on the left shone no less brilliant the coat of arms of our own favored State, New York. Above these, bearing in every letter a deserved compliment to Senator Dickinson, was the following :

"IN HONOR OF THE BOLD AND ELOQUENT EXPONENT OF A NATION'S WILL."

This comprehensive and complimentary sentence was originally embodied in a resolution by the *Central Democratic Jackson Association* of Washington, in 1847, upon the introduction of the resolution in the Senate of the United States, in opposition to the *Wilmot Proviso*, by Mr. Dickinson. The coat of arms of South Carolina occupied a place next to New York. It was shrouded in deep mourning in honor of her departed son, the lamented JOHN C. CALHOUN. Around the tent were similar banners of the "thirteen" original States, and in the vicinity of the orchestra was an oil-painting of the signing of the *Declaration of American Independence*, politely furnished by Gen. Storms. Five chandeliers, and numerous branches of wax candles, spread their lustre on the scene, and added greatly to the effect. In short, the old and venerable "Wigwam," in which not a spot of the walls was to be seen, presented to the eye a grand and chaste appearance, not easy to describe. The *tout ensemble* has never been equalled in this city.

The first regular toast, which was "The Union," having been drank with the honors, the President, after some eloquent, pertinent, and complimentary remarks upon the all-absorbing political question of the day, and the action of the guest of the evening upon it, announced the second regular toast:—

"Our Guest :

"By unwavering fidelity to the Union, he truly represents the Empire State; by according justice to every section he has attained it for his own."

Mr. DICKINSON responded, and spoke as follows:—]

MR. PRESIDENT AND GENTLEMEN : The highly complimentary remarks and sentiments which have just been uttered, the magnificence of the festival with which I have, as your representative, been honored, demand from me a response suited to the occasion. The kind allusion to my humble services in the public councils inspires me with sentiments and emotions which I will not attempt to conceal or describe. It is the highest motive of the representative to discharge his important trusts with fidelity ; and if I have, in executing mine, secured the approbation of the Democratic party of the Empire City, I shall feel assured that I have not been unmindful of the obligations which rested upon me as a representative of this great State and great com-

mercial emporium of the Union. The occasion is not only flattering in the highest degree personally, but it affords the most gratifying evidences that the Democratic party, chastened and instructed by the reverses which domestic strife and division have brought to its once potent and successful career, is about to profit by its dear-bought lessons of experience, and laying aside all matters of minor consideration, and leaving each to the indulgence of his own private sentiments, to organize again upon that ancient and catholic creed which was prescribed by the purest and best of men ;—a creed which is as broad as the light and comprehensive as space, which knows no North, no South, no East, no West, but regards all as children of a common father, and seeks, by the wise influences of its genial principles of progress, to usher in the day when all shall drink alike at the pure fountain of liberty ;—when violence and oppression shall exist only in the remembrance of the wrongs they have done ; and when, so far as is consistent with our natures, every root of sorrow shall be plucked out of the great garden of the world. We see on either hand evidences of fraternal union. The dove, bearing the olive-leaf to our windows, assures us that the dark waters which had overwhelmed us have assuaged, and that we can meet and worship again around the altar-fires of our fathers in our ancient temple. Let us, then, only remember the past, as the mariner does the shoals and the storm where his best hopes have been wrecked, that he may avoid them, and look forward upon the future to the bright prospects which await our united efforts. By the favor of my Democratic friends, I have been long devoted to the public service. The best, though not the greatest portion of my life has been withdrawn from the interesting cares of domestic life, and the practice of an honorable profession, that I might fulfil responsible public trusts, and gratify a laudable ambition ; and if I have failed to discharge my duty according to the ability which has been given me, I must have been basely ungrateful, and that without motive. The period during which I have, in part, represented the proudest sovereignty of the confederacy in the Senate of the United States, has been without its parallel in our eventful history. To claim to have been exempt from error through all the vicissitudes which have, at such a time, attended public affairs, would be claiming that which has not been vouch-

safed to the wisdom of man. But the occasion affords me a pleasing opportunity to render an account of my stewardship to those who have a right to know the reasons which have influenced me, and I embrace it with alacrity. In doing so, the history of the absorbing questions which have agitated the country, is necessary to a correct understanding of the matter, and to my own justification, and to these ends only it will be briefly, but in no spirit of recrimination, reviewed.

The subject which has constituted the most unfortunate element of sectional strife has been, and still is, the proposed application of the ordinance of 1787 to the recently acquired Territories;—Territories won by the common valor and common effort of wise heads in council, and patriotic hearts upon the field of battle;—Territories purchased by the common blood and common treasure of every section of the Union. Repeated efforts have been made in Congress, from time to time, to give these Territories a civil organization; but they have all proved fruitless and unavailing, for the reason that one portion insisted that no government should be erected unless their restrictive ordinance was applied to it, while another insisted, with equal pertinacity, that none should be erected with it:—one section contending that it was necessary and proper to prohibit the extension of slavery by the legislation of Congress; the other, that such action by the National Legislature, was unjust, improper, and unconstitutional; calculated, if not intended, to wound and insult their feelings, and to degrade them in the scale of social and political being, and insisting upon their right to pass into the Territories and enjoy them in common with the people of the free States, with the institutions peculiar to themselves. That the whole ground may be surveyed understandingly, it should be remembered that those who urge the application of this ordinance claim for it no further or higher office than that it would, if adopted, prohibit slaves from going from the States to the Territories—making a few less slaves in Maryland or other States, and placing them in the Territories. The South have often and earnestly declared that a prohibitory act of Congress upon this subject would compel them to sever the political bonds which unite the States in confederacy, and have appealed to their sister States, and to their representatives in Congress, to cease from its agitation. But, although it has al-

ready formed parties, based upon no higher principles than geographical lines—more dangerous to our free institutions than a combined world in arms against us, and has sown broadcast in our midst the terrible elements of sectional hate—the agitation is still pressed on, as though those who urged it recked little of the consequences which might follow.

It is conceded by those who know most of the soil, productions, climate, and physical configuration of the Territories in question, that slavery will never go there, as there can be no adequate demand for its most unwieldy and expensive labor. And although considerations of much higher import influence and control my action upon all that relates to this difficult and dangerous subject, I am one of those who believe that Congress can pass no law sufficiently inviting in its rewards, or stringent in its penalties, to force slavery there, and keep it there for a single year. But the South regard it as a point of honor:—they hold all interference with the question an infringement of a constitutional right; and they fear that when this particular power has been exercised by Congress, some other of more practical importance, and more deeply injurious to them, may be first asserted, then insisted upon, and finally applied, until State sovereignty shall become an empty name, and they be placed at the mercy of the general government, wielded by the potential voice of a controlling majority in the free States. We are, numerically, the stronger party, and should remember that minorities are constitutionally sensitive and jealous of encroachment. Majorities can at all times enforce their rights, by the exercise of their power, and they should be admonished by the highest dictates of justice and generosity, to treat with marked delicacy and indulgence the rights of those who are, in all but numbers, their equals.

I have long and anxiously contemplated this question in all its bearings, and, notwithstanding I do not hold the South exempt from error in her reciprocal policy; notwithstanding she has, as well as ourselves, her ultraisms—for ultraism always hunts in couples, and each nurses its counterpart; notwithstanding a portion of her statesmen have occasionally abandoned, as I have thought, her strongest ground, to stand upon her weakest and most impracticable, I have long believed that, in all that relates to this sectional strife, she has been “more sin-

ned against than sinning." The institution of African servitude, from its very nature, must be at all times painfully sensitive, and there is no offence on earth which humanity brooks with so little patience as external interference in domestic affairs. Scarcely was the act of our own emancipation legally signalized, when societies were organized in our midst, and presses established with the avowed purpose of putting down the institution in other States. Missionaries went forth upon their errand of mischief, and every means of vexation and annoyance that ingenuity could devise and vigilance execute was employed to sap and undermine and render valueless the institutions of the South, and to disturb the relation between master and servant. We repealed, unnecessarily and vexatiously, our laws which permitted our Southern friends to bring with them their household servants, when visiting our State for a few weeks, upon business or pleasure; and, in the judgment of our own courts, violated the Constitution by legislative enactment in endeavoring to throw obstacles in the way of their recovering summarily, according to previous legalized usage, their fugitive slaves. And it will be found to be a painful, yet instructive truth, that the darkest passages in the history of human servitude have been written there from a necessity imposed by the officious intermeddlings and malign influences of a misguided and mistaken philanthropy.

As a sentiment, there is no doubt that the Northern people of all classes and all parties regard with disfavor the transfer of slavery from the States to the Territories, and, in that general sentiment, I have often declared my concurrence. It is not, however, because I have more sympathy for the slave in the new settlement than the old, for in such change his health and comfort would probably, in many cases, be promoted; but it is because I believe the moral, political, and social condition of the whites much better without slavery than with it; and, while I have never employed liberty and freedom as cant phrases to signalize my superior philanthropy, and do not propose to do so, I experience high gratification when I see a new State, in founding her political organization, adhere to what I regard the true principles of economy, and reject an institution which, sooner or later, must bring more of embarrassment and evil than ever it can even of imaginary good. Yet, since it is a con-

stitutional right, upon the broadest principles of free self-government, I am willing that each political community should judge for itself whether it will have it or not. But while thus concurring in sentiment with those who do not favor the transfer of slavery to the newly acquired Territories, I am quite free to declare, that, much sooner than see this otherwise happy and heaven-favored Union divided; sooner than see a single star in our constellation blotted from the firmament; sooner than see the fraternal relations which ought to exist between this sisterhood of States turned to systematic menaces and angry reproaches, I would see every member of this unfortunate race, bond and free, well provided and provisioned for the journey, in one dark and mighty cloud, march from the old States to the new Territories, or any other section of the Union, there to reside, if the inhabitants would permit them. If this be treason, let those who will make the most of it. And, I will further add, that if necessary to the success of the movement, I would consent that those who causelessly agitate the subject in any section of the Union, including their noisy sympathizers, real and spurious, might go along with them.

We have already seen that the only office which it was proposed to accomplish by the ordinance of 1787, was to prevent the transfer of slavery from the States to the Territories; and none can fail to see that if it had been adopted, and performed all that its most strenuous advocates claim for it, it would have rendered but a poor compensation for the evil which has followed in its train of sectional strife, and heart-burnings, and bitterness. Slavery is now confined to the Atlantic slope, and the strength of our institutions has been put to trial by the formation of sectional combinations to prevent by federal legislation its crossing to the other side. Let us for a moment reverse the picture, and transfer it all to the Pacific, and inquire whether the same spirit of sympathy would desire to bring it back again? As is usual, when any questionable expedient is to be urged upon the consideration of the country, the peculiar votaries of the proviso doctrine have exhausted history for the purpose of gaining for its support the authority of illustrious names. True it is, that, under other circumstances, a similar proposition was introduced by those whose purity and patriotism rendered their names immortal; but a moment's consideration

of its history will show that it was introduced for no such purpose as the present, and that it has little, if any, application to our present condition. The ordinance of 1787, providing that slavery or involuntary servitude should be excluded from the northwestern territory, was adopted while the States were united under patched-up and imperfect articles of confederation; but, when a constitution was framed, it was silent in all that related to the exercise of such a power, and as many opinions are drawn from its reading, upon this subject, as there are lines in its composition. Not intending, however, to enter upon a constitutional disquisition, I will merely add, that, in organizing Territories, in some cases it has been applied by Congress to Territory north of $36^{\circ} 30'$ —(the Missouri compromise line)—and in some not; but never excited serious objection, or even attention, until the effort to apply it to a bill providing means for terminating the war with Mexico. It was there attempted to provide in advance, before any territory had been acquired, and that, too, in the very heat of the war, for the exclusion of slavery from any territory which might be obtained. The South, whose sons were then bleeding by the sides of our own on the parched sands of Mexico, regarded this as a gross insult, as well they might; and here was sounded the first note of sectional strife upon this subject;—here originated the flame which has since spread far and wide, and threatened the very citadel of liberty with conflagration. I have but given a brief and faithful history of the origin of the proviso excitement. The motives which influenced the movement at the time and under the circumstances, I leave to Him who tries the hearts of men, and to that country which eventually does justice to all.

In 1787, when the ordinance was applied to the northwestern territory, and until 1808, the foreign slave trade was authorized and was prosecuted with vigilance and success. Now it is by law piracy upon the high seas. Then it was a question between the coast of Africa, where the negro could be purchased for a few dollars' worth of trinkets, and the fertile valleys of the Ohio and Mississippi, where he would command from five hundred to a thousand dollars; and this inducement was strong enough to transfer him. Now, the foreign slave trade being abolished, it is a question between the cotton, rice, tobacco, and

sugar plantations of the Southern States, where slavery is profitable, and the grazing and grain-growing regions of the new Territories, where it could not earn its own support, and where, in the language of John Randolph, if the slave did not run away from the master, the master would run away from him. Slave labor, as existing and organized in a portion of our country, like every other department of human affairs, founded in pecuniary considerations, is controlled in its movements by the principles of profit and loss, and of demand and supply. Like free labor, it will eventually be found where there is the greatest demand and where it pays the best profit. It may linger in an old settlement, where it has long been, after it has ceased to be profitable; but it will not go on a new one unless invited by reward. So long as the spirit of cupidity is inseparable from man, it will go where a majority of the people desire it, and not elsewhere; and since it is tolerated by our fundamental law, a majority who favor it will soon be found where it is greatly to their advantage. When the water-fowls spend their winters at the North and their summers at the South, we may then begin to apprehend that slave labor will go from where it is profitable and is wanted, to where it must be unprofitable and is not demanded; and those who deem it necessary can take steps to arrest its progress. If it be said, on either hand, that it might go to the mineral regions for the purpose of operating in the mines, and that the restriction in this respect was material, the practical answer is furnished in the fact that the proviso was urged on one hand and resisted on the other, with greater pertinacity, before the mineral treasures in the Territories were dreamed of, and no regard, therefore, was had to the employment of slave labor in mining. Besides, the Constitutional Convention of California was held upward of one year after the mining was in successful operation; not a single slave was there; and although seventeen of the forty-eight members of the Convention were from slave States, a clause inserted in the Constitution prohibiting slavery passed unanimously; all of which shows that it was utterly unnecessary for the purposes for which it was proposed. But all these lessons are unheard or unheeded, and we are yet told, with as great assurance as ever, that slavery will now most certainly overleap all the laws of nature, of man, and of demand and supply, and find its way to the remaining

territory, unless prohibited by a Congressional proviso. Like the benevolent old lady described in the early school-books, who feared that the remnant of an old gun-barrel, without lock or charge, would go off, as an amateur performer, they fear that the slaveholder will disregard his own interests for the sole purpose of removing his slave from one point where he is wanted, to another where he is not, and subvert the fundamental principles of freedom by a mere change of geographical position.

Another reason has sometimes been gravely urged in favor of the application of the proviso to Territories, which it would perhaps be disrespectful to pass by unnoticed. It is admitted that, if slaves should pass from the States to the Territories, and leave the States free, it would not be an evil of such crying magnitude, as it would not increase in the aggregate the number of slaves; but it is said that the business of breeding will be carried on in the old States in a greater ratio, as a new field opens the business of marketing the increase in the Territories—and thus retain the evil in the old settlements and extend it in the new. A magnificent solution, truly; reducing the theory of reproduction to an exact science! He who first produced this sublime idea, should, like the Syracusan philosopher, run naked through the streets, crying out like a public bell-man his mighty discovery and achievement in political physiology. Hereafter, let the shade of Malthus on population hide its diminished head, remembering that, by a recent discovery, it has been ascertained that unless prevented by restrictive legislation of Congress, slaves can be made, like migratory birds, to produce their young in one latitude and spend the residue of their time in another. But for this sage discovery, one would have supposed that the slaveholder, like other men, would desire to turn the labor of his slaves to the greatest account, and would, therefore, place them where the industry of the father, mother and children, would, according to their ability, respectively, contribute to the prosecution of the business. Suppose, however, this idle vagary should be carried into practice—let us see what would be the operation. We have now two unorganized Territories only, New Mexico and Utah. Recently the period of Territorial pupilage before the formation and admission of a State has been very brief, and bills have already been before Congress for the admission of both these Territories as States

of the Union. All who have read and understand the Constitution admit, that, when a State is formed, slavery may be admitted or excluded as shall suit the pleasure of the people of the State, regardless of federal legislation or provisos; and when we reflect how great is the spirit of adventurous enterprise; how deep the interest our newly acquired possessions have created; how extensive the every-day increasing facilities for intercommunication, and how numerous that busy, restless class who are seeking a change of home and scenery, we must conclude that these Territories will be admitted as States, at a very early day. Those, then, who are to rear slaves in the old States for the Territorial markets, must send the progeny there at a very early age—a period, probably, at which, if they should be deprived of a mother's care, and she left behind them, they ought at least to be attended by some active, and known, and self-signalized sympathizer of the race to serve as nurse.

Those who have thought it to be their duty to resist this sectional agitation in all its forms are, from a certain quarter, suddenly reminded that the young State of California is entitled to unconditional and immediate admission, and every one who is not willing to disregard all surrounding circumstances, and join in the steeple-chase of immediate admission, is an enemy of California. Immediateism is a word coined in the prolific mint of abolitionism years since, and has no charms or terrors for me. I am and ever have been for the earliest admission of California, consistent with the embarrassing circumstances from which her position renders her inseparable; and while I shall receive lessons on that subject from those who are loudest for her immediate and unconditional admission, with great patience, I am quite ready to compare notes, examine records, and try conclusions with the self-constituted, *par excellence*, friends of the immediate admission of California. I invoke the truth of history to show who are her best and truest friends. This infant State, I need not say, is a part of the possessions which we acquired from Mexico; and let the record of the times tell who gave a vigorous support and who did not, to that policy which wrested this gem of the Pacific border from vice, and ignorance, and barbarism, to free and happy institutions, and the stars and stripes of liberty. Who, sir, when our army was in a foreign and semi-barbarous land, contending with forces superior in

numbers, and a foe proverbially subtle and treacherous—when our sons and our brothers were stricken with the diseases of a fatal climate, and were dying, far from those they loved, with no soft voice to whisper words of consolation, and no gentle hand to smooth their rude pillow, or close their eyes in death; when the best heart's blood was ebbing from the gashed bosom of the dying soldier, refused necessary supplies of food and clothing, or sought to affix to a bill appropriating moneys for the speedy and honorable termination of the war, the "Wilmot proviso?" Those who would now put all suspicion to flight by shouting, at the top of their lungs, for the immediate admission of California. And let history tell, too, when a treaty of peace was concluded with Mexico, who sought to affix the same pernicious minister to sectionalism to the treaty with that government, and give to New Mexico, as it would have done, a controlling voice over the domestic policy of the free people of California? Fortunately, however, the people of California were spared this humiliation by the votes of those who are now denounced as her enemies. I by no means question the motives of those who thought it their duty to pursue this course, but would suggest that whoever is worthy to receive lectures upon the subject of California, those who stand in such a relation to her and to the country as I have just described, are not the persons to give them.

But California, it is said, has declared for the great principle of human freedom. True, she has not only asserted, but carried into practical operation, the first and last great principle of freedom, and one for which I have long and ardently contended: that of self-government, and of choosing such domestic institutions as were suited to the tastes and condition of her own people, uninfluenced either by the provisos of Congress or the interference of Mexico, with which domestic policy all who profess to believe in the capacity of man for self-government should be satisfied. And if she had decided to admit, instead of exclude, slavery, as the Constitution authorized her to do, no one beyond her own borders would have had a right of complaint. Her action would have still been that of human freedom, in the most comprehensive sense of the term. Human freedom does not consist in enslaving the minds and controlling the actions of the race to whom the destinies of this government have been

committed, or placing them under the control of foreign despotisms, lest they may admit among them another, constitutionally held in bondage; but in permitting them to lay for themselves the foundation of their government on such principles, and to organize its powers in such a form, as to them shall seem most likely to effect their safety and happiness. Keeping in view this principle, it is my desire to see the white race and the true principles of self-government preserved first, and to leave the freedom of the black race to those who have them in charge, and are responsible to their God and their country accordingly.

Let us inquire for a moment, under what process this exclusion of domestic slavery was made an article in the fundamental law of California. It was not under the influences of that political catholicon, the Wilmot proviso, nor under the dictation of Mexico, interfering in our affairs by virtue of a treaty stipulation, but under the true and not the spurious principles of human freedom—the freedom of the white race, to whom not only the cause of human liberty here, but throughout the world, has been committed by a beneficent Providence, under the freedom of self-government in the broadest sense—that freedom which is based upon man's intelligence and capacity, and not upon provisos and restrictions and tyrannical legislation of Congressional masters or foreign governments, without representation, voice, or vote by their own people; which believes our brethren and neighbors, whose enterprise has carried them to the shores of the Pacific, as wise there as before they left us, and as well qualified to choose for themselves as we are to choose for them. This is the kind of human freedom which I am proud to advocate, upon which I have stood, and upon which I will stand hereafter. In December, 1847, after it had become apparent that legislation by Congress over the question of slavery in the Territories would lead to unhappy if not alarming consequences, I introduced into the Senate of the United States certain resolutions, declaring boldly the true principles of our system to be self-government, and that all questions of domestic policy in the Territories ought to be left to the people thereof, under the principles of the Constitution, and in accordance with the rights of the several States. This was, so far as I

know, the first time the doctrine was formally presented. But how was this principle of human freedom received then, by those who now so far outstrip me in their claims of friendship for the cause of civil liberty, and who are so anxious for its development that they cannot wait for California to be properly admitted as a State? The principle was denounced by orators and presses in no measured terms, and those cogent and convincing arguments "traitor" and "dough-face" applied without stint or mercy to its author. If I had proposed to change the Federal Constitution so as to force slavery into every State and Territory, or to abolish the Christian religion, and place that of Mohammed in its stead—to burn every Bible, and legalize the brazen revelations of Joe Smith, or to apply the knout or the bowstring for the non-payment of debts, I could not have been more bitterly or opprobiously assailed. The resolutions declaring the principles of self-government were pronounced to be a fraudulent device, instigated by the South, for the purpose and with the design of extending slavery to the Territories. In short, they, figuratively at least, called me

"Misbeliever, cut-throat, dog,
And spit upon my Jewish gabardine."

They were unwilling to trust the people with themselves, lest, like children who can walk just enough to fall into the fire they should destroy themselves wilfully or unwittingly, and declared that nothing but the application of the proviso by Congress, and that quite speedily, would ever save California from the blighting curse of slavery. When an ancient prophet sought to show the depth of his grief over the slain of the daughters of his people, he lamented that his head were not waters, and his eyes a fountain of tears, that he might weep day and night incessantly; but the sorrow of some for the curse of slavery which was to find its way into California if self-government was tolerated, and the proviso not applied, were evidently much greater than those of the sympathetic prophet; and to enable them to make adequate exhibitions of regret, it would have been necessary for them (to use a commercial phrase,) to go into liquidation altogether. But the proviso was not applied, and the people were left to assert

their rights by resorting to first principles. They assembled in convention, and formed a Constitution, and, as we have already seen, though upwards of one third of its members were from slave States, and had been residents of California an average of about two years only, an article excluding slavery was unanimously inserted. And when this practical commentary has been furnished for the benefit of those who fear the transfer of slavery from one point to another above all else; they who have derided and reviled the principle of self-government, proclaiming in effect the people unworthy to be trusted with their own domestic policy—who have arrayed popular prejudice against its advocates, and hunted them as though they had been beasts of prey, but who now step in and stand volunteer godfathers to the infant State, and denounce its early, uniform, and consistent advocates as its enemies; we might well imagine this an age of brass, instead of an age of gold.

The great principle of popular sovereignty, for which I have contended, has been that upon which, as regarded the freedom of the white race, the Constitution was founded; leaving each political community free to determine for themselves how far they would or would not tolerate domestic slavery, as existing in a portion of the States, amongst them; and if it is not freedom to permit a community to fashion and regulate its own domestic concerns, I know not what is. There always has been, and there always will be, a strong repugnance on the part of freemen to have their domestic affairs controlled by those who are not chosen by themselves. It was not disloyalty to the British crown which caused the revolt and the revolution in the American Colonies, but a determination to resist the legislation of the British Parliament over their domestic policy; and when their cup of wrongs was filled to overflowing, for this reason they severed the ties which bound them to that tyrannical system with the sword. Our whole Republican theory and federative system rests in the principles of self-government; and he who believes that he is qualified to govern both himself and his neighbor, and that one community of free men should regulate and control the domestic affairs of another equally free and equally intelligent, thousands of miles distant, should write a treatise

justifying the aggressions of the British Parliament upon the colonies, and add an appendix in favor of the divine right of kings.

I have another parallel to run between the human freedom which I advocate and that which is practised by those whom I find so much in advance of me. The Constitution of the United States makes all the States, old and new, sovereign equals. The original States were founded in the true principles of freedom; for the only restriction upon them was that their form of government should be Republican. Slavery had been planted here by the mother government, and each State was left to treat it as it thought best. They could adopt or reject, continue or abolish, or modify the institution of slavery, as should suit their own interest or sense of propriety. The new States to be admitted, if admitted according to the principles of the Constitution, must come in with the same rights, powers, and privileges, unrestricted and unimpaired, or they will not be sovereign equals. And yet we have seen that the strenuous advocates for human freedom sought to make a treaty stipulation with Mexico, to last through all time, that the free people of California should not be left as free as those of other States to choose their own institutions, lest, perchance, they might be inclined to exercise that privilege improperly or improvidently—making their sovereignty inferior to that of their sister States, and dependent in this respect upon the caprice of the miserable government from whom the very territory had been conquered, leaving them to do as they pleased, if they should do as a Mexican treaty dictated. While I by no means question the purity of the motives of those who thus exhibited their sense of free government, I submit, that, however ardent and sincere may now be their friendship for California, they should exercise some small degree of charity and forbearance for those who are, as I confess myself to be, very far in arrear of this extraordinary and peculiar system of human freedom. The Democratic theory teaches the simple yet sublime principles of equality. One of the primary articles in its cherished creed is the repudiation of every species of monopoly, and to it I am strongly opposed in every form. I do not claim to be more sincere and honest than my fellow-men, acting free from excitement,

and with a due regard to their responsibilities to society; and I do not believe that in the Divine economy all the honesty and sincerity, or all the benevolence and philanthropy, were allotted to any particular class.

The question of slavery in all its aspects is full of difficulty, and when fiercely agitated in a confederated government, as an element of sectionalism, is fraught with danger and peril. It is a problem too complicated for human solution; but if those now subject to its control shall, in process of time, be returned to the barbarous land from whence they were taken with hardly an attribute of humanity, bearing with them the blessings of civilization and Christianity, it will prove that the wise decrees of an inscrutable Providence intend that for good which man's cupidity and violence and wrong intended for evil. I have given this subject deep and anxious consideration, and my conclusions are too well matured and too strongly founded in reason and serious convictions to be lightly yielded. At the same time I am prepared to extend to those who have arrived at other results all that toleration so necessary to the free exercise of opinion and manly discussion, and so essential to the development of truth. But from the foundation of the world to the present moment, loud professions of superior integrity have been distrusted, disbelieved, and disregarded by the masses of men; and those who have asserted a higher and purer order of sanctity than their fellows have excited more of disgust and derision than of admiration; for, it is a popular idea that according to the verse—

“A man may cry church, church, at every word,
With no more piety than other people;
A daw's not reckoned a religious bird,
Because it keeps a-cawing on a steeple.”

And when I think of some of those who are now among the most active negro sympathizers, and remember their antecedents upon these very questions, I am reminded of an anecdote of two scape-graces in the Italian States, one of whom turned priest with no obvious change of character. The other being convicted of a crime, sent for a confessor, and his old companion came. “What is to be done?” inquired the priest. “See if we can look each other in the face without laughing,” was

the reply. The unfortunate African race can never attain to a true state of freedom so long as they remain amongst a people so unlike them in physical development, and so greatly their superiors. Whether nominally free or not, their condition will be one of degradation and vassalage, and it is alike due to all to meet the question in this aspect. They have with us now few privileges of citizenship, nominally, beyond the protection of the laws, and none really; and if they were extended to them in theory, they could not successfully carry them into practice. However much this may be deplored by the real or bewailed by the spurious philanthropist, it is painfully true. They have been free here upwards of a quarter of a century, and their condition, physical, mental, and social, is, as far as concerns their own action, as abject now as it was on the day of their emancipation. In all but the name of freedom they are as much, and many of them more, the objects of sympathy as those who are held in servitude, and fed and clothed and cared for by a legally recognized master. (Cries of true! true!)

The measure which is now before the Senate, called the adjustment, or Compromise Bill, and is attracting much public attention, was presented by a committee of thirteen, of which the distinguished Senator from Kentucky * was chairman, and of which I had the honor to be a member. There were bills before each house of Congress for the admission of California, and almost every conceivable form of plan for the organization of the Territories. There were also propositions to fix the disputed boundary line between Texas and the Territory of New Mexico; to abolish the slave trade in the District of Columbia; to abolish slavery in the District of Columbia, and a bill for the reclamation of fugitive slaves. These were all, in some form, the subjects of strong support and opposition, and of spirited and bitter controversy. Amid the sectional strife which prevailed, and the crimination and recrimination which were cast back and forward, and the difficulty during the excitement and conflict of those acting together efficiently and understandingly who were disposed to pass some measure or series of measures, doing justice to all, as far as practicable, it

* MR. CLAY.

was deemed best to commit the whole subject in contest to a large committee, composed of about equal numbers from the North and South, and from each great political party. The committee was raised, and, after careful and anxious consultation, submitted their report. They reported one bill, admitting California with her own prescribed limits, organizing the residue of the Territories acquired from Mexico by simple governments, without any proviso; and as the southerly line of New Mexico was in serious dispute between that Territory and Texas, it proposed to fix a suitable and convenient boundary between them, paying Texas, should she consent to the arrangement, a fair pecuniary compensation for the surrender of her claim. They reported a bill to abolish the slave-trade in the District of Columbia, and reported strongly against the abolition of slavery there. There was, at the time of their report, and for weeks had been, a bill before the Senate, and under discussion, for the reclamation of fugitive slaves, and the committee simply recommended that it pass, with one or two amendments and modifications, which they proposed. This bill never had any more connection with the bill for the admission of California than any other bill before the Senate, except that both were subjects of sectional irritation and controversy. There is doubtless a decided majority of Congress in favor of the admission of California: but it is equally true, that a strong and vigorous minority were and are opposed to its admission, and had declared their determination to resist it to the last extremity. It is not to be denied that there were irregularities in her organization, nor but that her selected boundaries are exceedingly ample; but under all the circumstances of her neglect by Congress, and the well-ordered proceedings of her intelligent people, I deem her well entitled to admission, and would, could I have done so, with a due regard to her own good, in common with the interest of the whole country, have voted to admit her the day she sent us her constitution. Not having, however, opposed the policy which brought her territory within the Union, or proposed to place her domestic concerns within the control of Mexico, I have had no necessity for being clamorous in my professions in her favor, and could afford to treat all that relates to her as a practical question. If I had wished to create

and foster sectional parties, that I might ride upon the whirlwind and direct the storm; if I had lived, and moved, and had my being in the disturbance of the public peace, I would have urged the immediate admission of California by the iron rigor of a numerical majority; but wishing to bring her in, if possible, with the good feeling, if not the consent, of all, and believing her admission would be sooner obtained by the organization of her sister Territory at the same time than otherwise, I have pursued that course and shall continue to do so until the policy succeeds, or is defeated; and if defeated after all fair efforts are exhausted to quiet the whole question, I shall regard it as a high duty to go for the admission of that young State as a separate measure. If it then provokes sectional feeling and unhappy consequences, I must say to those most interested, "Thou canst not say I did it."

It has been often stated and often repeated that the admission of California was placed upon a level, and made to depend upon the passage of a bill for the recovery of fugitive negroes. This was an erroneous statement originally, and, although often repeated and endorsed, has scarcely yet fallen within the questionable adage, that "a lie, well stuck to, is as good as the truth." The only question upon which the admission of California is made to depend, is the simple organization of the territory which was acquired with her, and, as a necessary consequence, the adjustment of its disputed boundary. We stipulated in the treaty by which we acquired the Territories of California and New Mexico, that they should be incorporated into the Union of the United States, at a time to be judged of by Congress, and in the mean time their inhabitants protected in the enjoyment of their liberty and property, and secured in the free exercise of their religion, without restriction. We took these Territories from the government of Mexico, and left them without any, in defiance of solemn treaty stipulation. California has framed a government, and is now enjoying a portion of its benefits. New Mexico has none, although she is as deserving of a government as California; and her necessities are much greater. These Territories of California and New Mexico were formerly held by Spain, and were together, side by side, transferred to Mexico; they were both transferred to us by the same treaty, upon the same

piece of paper, in the same article, and neither is supposed to have suffered detriment; and it is confidently hoped that their being in the same bill now, if that should hasten the admission of the one and the organization of the other, and restore kind feelings between conflicting sections, may not sully the fame or dim the lustre of either. The adjustment of the boundary between New Mexico and Texas is one of the first and highest duties of the government, for the controversies growing out of it are exceedingly angry between the respective claimants, and a resort to arms and violence, the law of the border, is seriously threatened. The boundary is generally believed to be the dividing line between the free and the slave States, and the first drop of blood shed in a controversy over it will provoke one of the most sanguinary wars in the history of civilization. An extensive region of country is claimed by each, and some of the ablest men in the nation differ as to which is right; and hence the propriety of fixing it by peaceful stipulation. The other questions are of less moment, and an examination of them in detail would consume too much time.

I have given these measures of adjustment, as a whole, my full assent, not that I agree with all the details, for I do not, but I deem them generally just, suited to the public exigency, calculated to restore peace, and destroy that hot-bed of sectionalism, where those spring up and flourish who feed like vampires upon the best heart's blood of their country. I have pursued the course here briefly recapitulated, because I believed it was demanded by the highest consideration of duty, and that the best interests of the country were in jeopardy. I did not accept a high public trust without preparing to meet the storm, as well as the sunshine. When I was yet a child, I learned, from the public act of one great man, to disregard all ordinary considerations when the interests of the country were imperilled, and that man was Andrew Jackson, and that act was taking the responsibility. I have uniformly sought to erect simple territorial governments by Congress, without any restrictions as regards their domestic affairs upon the power of the people immediately interested; and although the bill before the Senate contains a clause prohibiting legislation upon the subject of slavery by the people of the Territory, I voted

against inserting it, in committee, and have voted to modify it so as to leave more power to the people than it did originally, and in favor of striking it out entirely in the Senate; and upon that occasion I remarked, among other things, as follows:

"Now, sir, I wish to state, once for all, that it is not my intention, either directly or indirectly, to favor, by voice or vote, the extension of slavery, or the restriction of slavery, in the Territories, by Congress, or any interference with the subject whatever. Nor am I influenced in this conclusion by the local laws of the Territory in question, either natural or artificial—the laws of nature or the laws of man; and for all the purposes of present action, I will not inquire what they are, in either respect. I will stand upon the principles of non-intervention by Congress, in the broadest possible sense, for non-intervention's sake, and to uphold the fundamental principles of freedom, and for no other reason—and will leave the people of the Territories and of the States to such rights and privileges as are theirs, under the Constitution and laws of the United States, without addition to, or diminution from such rights, by the action of Congress."

I should do injustice to my own feelings, if I did not bear testimony to the patriotic zeal and good faith with which this plan for adjusting sectional controversies is supported from the North and South, the East and the West, and from members of both political parties. One spirit seems to animate them, and that is to do justice to all, and once more give the country quiet, and the government power to perform its ordinary functions. But it has vigilant, earnest, and unyielding opposition, and, while we may hope for its success, the result must be considered uncertain; and whether it succeed or be overpowered, there is one whose special efforts in its behalf have earned the approbation of his country, and wrung warm admiration from its opponents, for his great ability and manly independence. I mean Mr. Clay, of Kentucky. Strong and decided political opponent as he is, I deem it no more than justice to say that his position in its support is a most commanding moral spectacle. Full of years, his eye still kindles with the fire of youth, and his enlarged experience throws back from the evening of his days a flood of light and learning, as the sun retiring in the western horizon sheds its hues of golden beauty upon the eastern moun-

tains. He is entitled to the gratitude and thanks of every friend of his country, regardless of party considerations; and may they be cheerfully awarded.

The whole question, then, as we have seen, about which the country has been so unhappily agitated and divided, which has treated with contempt the warning voice of the father of his country against sectional combination, which has caused the structure of our republican system to tremble to its foundation in the face of the corrupt and grasping monarchies of Europe, which has divided churches, arrested the action of Congress, absorbed the attention of State legislatures, misled sensible men, and unsexed worthy females, and which, above all, seriously threatens the integrity of the Union, is, when stripped of its embellishments, merely whether persons of color, held in servitude in the slave States, and to be so held, shall be restrained by the law of Congress from being transferred to the new Territories, if their masters wish to transfer them there, which few think would probably be the case, even should the people there interpose no objection; an agitation which, for a purpose comparatively trivial, sports at a game where the destiny of the world's freedom is the hazard. Shall we experiment upon our institutions because they, like all that is human, have not attained perfection, when the experiments suggested propose no remedy and only increase the evil by agitation? Would we blot out forever, if we could, the glorious luminary of heaven because now and then a dark spot is descried upon its disc? Shall we reject every political and moral good, because a mixture of evil must flow from the same fountain?

During the present session of Congress, while the Senate of thirty free and equal States were discussing with recriminatory spirit its fruitful source of discord, and calculating the point at which all political relations might be severed, a stranger and a few companions entered the chamber. He was evidently a foreigner. His forehead was prominent and intellectual, his pale face denoted deep thought and painful anxiety and emotion, and a silvery beard swept his breast. He gazed upon the scene with deep and absorbing interest; but, from ignorance of our language, thank Heaven, he was unconscious of what was passing. It was the Governor of Comorn, who had fled for his life from the murderous and inhuman despotism of Austria, to our

great city of political refuge for the oppressed, here to enjoy life, liberty, and the pursuit of happiness. The scene furnished a volume full of interest and instruction, and replete with poetry and eloquence. It was a picture more vivid than was ever portrayed by human pencil. I gazed upon its painful, pleasing features, until its image still lingers in my sight. I wished that every American citizen might look upon it as I did, and feel the emotions which my heart experienced. But a few days since, availing myself of the hospitality of a Senatorial friend, I spent two days at Annapolis, and visited the hall where the immortal Washington, after carving out the liberty which we, in common with twenty-five millions of our fellow-beings this day enjoy, with a victorious yet unpaid army who adored him under his command, surrendered his commission and his sword voluntarily to the representatives of a few exhausted colonies. That sublime occasion yet imparts its sacred influences to the place, and there is eloquence in its silent walls. But where, said I, are the brave and patriotic spirits who here fostered the germ of this mighty empire? Alas! they have gone to their rewards, and the clods of the valley lie heavily on their hearts; while we, their ungrateful children, with every element of good before us, forgetting the mighty sacrifices they made for their descendants, trifle with the rich blessings we inherited, and are ready, with sacrilegious hands, to despoil the temple of liberty which they reared by years of toil and trial, and cemented in blood and tears. O, could we not defer this inhuman struggle, until the departure from amongst us of the revolutionary soldier, with his bowed and tottering frame, and his once bright but now dimmed eye! Ask him the cost of liberty, and he will "shoulder his crutch and show how fields were won," and tell you of its priceless value. And yet we are shamelessly struggling in his sight, like mercenary children, for the patrimony, around the death-bed of a common parent, by whose industry and exertion it was accumulated, before the heart of him who gave them existence has ceased to pulsate.

Amid all these conflicts it has been my policy to give peace and stability to the Union; to silence agitation; to restore fraternal relations to an estranged brotherhood, and to lend my feeble aid in enabling our common country to march onward to the glorious fruition which awaits her. I have opposed, and

will hereafter oppose, the hydra monster disunion and its snaky influences, in any and every form, and however disguised, or in whatever condition—whether in the creeping larvæ, or upon its attractive wings of gossamer; whether in the egg, or the full-fledged bird of evil omen; whether in the germ, or the stately upas with its wide-spread branches; whether it comes from the North or the South, or the East or the West, and whether it consists in denying the South her just rights, or in her demanding that to which she is not entitled. The Union of these States, in the true spirit of the Constitution, is a sentiment of my life. It was the dream of my early days; it has been the pride and joy of manhood, and, if it shall please Heaven to spare me to age, I pray that its abiding beauty may beguile my vacant and solitary hours. I do not expect a sudden disruption of the political bonds which unite the States of this confederacy; but I greatly fear a growing spirit of jealousy and discontent and sectional hate, which must, if permitted to fester, finally destroy the beauty and harmony of the fabric, if it does not raze it to its foundation. It was not founded upon the principle of force, and majorities should be admonished to use their power justly. A chafed spirit, whether of a community or an individual, may be goaded beyond endurance, and the history of the world has proved that the season of desperation which succeeds is awfully reckless of consequences. But woe be to him by whom the offence of disunion comes! He will be held accursed when the bloody mandates of Herod and Nero shall be forgiven; will be regarded as a monster in this world; and, in the next,

“The common damned will shun his company
And look upon themselves as fiends less foul.”

And now, amid this mad and bootless crusade of sectionalism, where should stand the Empire State of the confederacy, and the commercial Emporium of the Western hemisphere—where two-thirds of the commercial business of the Union is transacted, and two-thirds of the public revenues collected—which, in a few years, will be the centre of the commercial world, when a bill payable in Wall street will command a premium throughout the habitable globe, and whose mint, about to be established, will coin the money for half of Christendom; a state composed

of three millions of free and happy people which has founded a system of internal improvements and of universal education the pride and glory of the age ; a city whose munificence has given ears to the deaf, tongues to the dumb, and eyes to the blind ; which has fed the hungry, clothed the naked, and founded institutions of religion and charity, the admiration of philanthropists throughout the world, and caused her sons at home and abroad to point to her and exclaim with gratification,

“ This is my own, my native land.’

Shall she lend her mighty influences to the cause of sectionalism ? She has once saved the honor and integrity of the Union, and enabled it to outride the storm, when all other resources failed ; and let her again put forth her potential voice, and calm a convulsed country. In the second war of independence, when our ports were blockaded by hostile fleets ;— while the tomahawk and scalping-knife, stimulated by foreign gold, were working their hellish deeds upon the women and children of our frontiers ; when the very federal Capitol was a smouldering ruin, and the arm of the national government fell paralyzed, too feeble for the herculean task, it was the New York merchants and bankers who stepped forward with their money and their credit, and inspired new life and energy, and secured for the arms of the bleeding country victory and honor. The shouts which then went up from a patriotic people, and were echoed back, have scarcely died away in my imagination from the distant hills. Let the same patriotic spirit again stand forth, and, by the commanding influence of their great moral power, cast oil upon the troubled waters of domestic dissension, calm the fears of the timid, subdue the spirit of the factious by their indignant frowns, and expel all selfish and sectional feeling from our borders.

And, especially, where shall stand the Democratic party of the Empire State, and the bulwark of her strength, in the city of her pride ; that party which, with the great national Democratic party of the Union, has administered the government from its foundation, with the exception of two or three brief intervals, and those in consequence of reverses produced by dissensions in its own ranks—whose principles of progress have

brought the country to a state of prosperity unexampled in the history of men ; that party whose creed is simple and catholic—which inculcates the capacity of man for self-government, without reservations or provisos—which professes to adhere to a strict construction of the Constitution—to preserve inviolate the rights of the States, and to abstain from all officious intermeddlings in the domestic affairs of communities—which resists the accumulation of power by the general government, whether in the executive or Congress, and seeks to leave it as far as practicable in the hands of the people immediately interested ; and which, above all, eschews all sickly sentimentality and spurious benevolence, and all temporary and hobby-riding issues, that it may the better advance its great principles of human regeneration—of freedom and good will—and the amelioration of the condition of man ? I will not now recount the history of its triumphs, which this course of policy has given ; but are they not written upon every page of our country's history as with a pencil of light ? Let then the Democratic party of New York unite, one and all, upon the ground of its early cherished principles ; let it evince its faith in the capacity of man for self-government by its works, and not seek to enforce the legislation of Congress over the domestic policy of political communities which have no vote or voice in its councils, but regard man practically, as well as in the abstract, as wise as his neighbor, leave the States and Territories to such rights and such privileges as the Constitution gives them—to their own choice and responsibility respectively, and peace and friendship will again be restored to all sections, and the success of sound principles be speedy and enduring. I give you, in conclusion, as a sentiment, Mr. President,

The Democratic party of New York, and its principles—freedom of opinion, freedom of the press, and freedom of self-government.

SPEECH,

DELIVERED AT THE CENTENNIAL CELEBRATION OF LITCHFIELD
COUNTY, CONN., August 14, 1851.

[Upon the invitation of the citizens of Litchfield, a large number of the natives of the county assembled, and celebrated the one hundredth anniversary of its organization, on the 13th and 14th days of August, 1851. The ceremonies were conducted under a large pavilion, erected for the purpose in the West Park, and were inaugurated and interspersed with solemn religious services. On the 13th, an Address was delivered by Hon. Samuel Church, LL.D., Chief Justice of the State, and a Poem read by Rev. John Pierpont. The 14th opened with a discourse from Rev. Horace Bushnell, D. D., which was followed by numerous letters, speeches, poems, &c., and closed with appropriate religious services. All who participated in the proceedings were natives of the sturdy old county. Altogether, the occasion was one of rare and heart-felt interest.

Mr. Dickinson, on being introduced by the President, Gen. Brinsmade, spoke briefly as follows :]

MR. PRESIDENT, LADIES, AND GENTLEMEN : Few recollections, indeed, are of deeper or holier interest than those associated with the home of our childhood. When the mind, like the Patriarch's dove, seeks repose from its wanderings, and returns to the place of its nativity, how many emotions rise up—how many pleasing, painful memories struggle for the empire of the heart ! How is the perilous journey of life, from its cloudless morning, with its joys and sorrows, its lights and shadows, its smiles and tears, made to pass in rapid yet serene review before us. The parts we have severally been called to act upon the great theatre of life,—the relations we have formed and the bereavements we have experienced, all rush in with their attending joys and sorrows and swell the heart too full for utterance. I am proud to boast myself

a native of the town of Goshen in this county, though removed to another State by the varying currents of fortune while still a child. Yet, by the favor of Him, "who doeth all things well," I have been permitted, after forty-four years' absence, to stand upon the threshold of what was once my happy home, and to realize the imaginings of poetic beauty in—

"The orchard, the meadow, the deep-tangled wild-wood,
And every loved spot that my infancy knew."

The emotions which the occasion inspired, deepened by peculiar circumstances, are too sacred to pass beyond the heart where they are so painfully felt, and the fragment of the little domestic circle who lived and loved upon that cherished spot, and are yet of earth.*

We have assembled here, my friends, in obedience to one of the strongest laws of our nature,—one of the best and loftiest impulses of the human heart. When we have attained the meridian of life, and see age approaching, though yet in the distance—when the passions and impulses are subdued and chastened—when we cease to believe that the "deficiencies of the present day will be supplied by to-morrow," and Hope, that terrestrial charmer, no longer promises her after-growth of joy, we turn with a feeling of devotion which the heart has never before experienced, to cherish that holy love of home which God, for benevolent purposes, has established in the deep well-springs of the heart,—to repose our head, throbbing with the busy cares of life, upon which time, perchance, has written his untimely furrows, like a wayward child, upon that pure and holy altar of domestic love—a mother's knee—saying in the language of a native poet—

"Oft from life's withered bower,
In sad communion with the past I turn,
And muse on thee, the only flower
In memory's urn."

The children of New England, of which this State, and

* Mr. Dickinson received intelligence at the celebration that an elder brother was dying.

especially this County, has furnished her full and honorable share, have been thrown broadcast upon the great battle-field of life, where they have been pre-eminently distinguished for their practice of the sterner virtues of manhood, and their disregard of ease, indolence, and sensual enjoyment. Though proverbial for religious veneration and their devotion to religious observances, they have never been idle waiters upon Providence, but have acted upon the suggestion of Frederick the Great, who declared that "*Heaven always favored the cause of the best-disciplined troops!*" But the excellencies of our common mother have been too truthfully portrayed by others to permit one further word of eulogy. Her sterling virtues have been traced in sober narrative, and her brow garlanded with the choicest specimens of poetry and eloquence which modern times can furnish. All that is left me is, to cast my humble chaplet at her feet, and to declare that, though she has many sons who can bring her choicer offerings, she has none who love her more.

From the life-like delineations of the New England character, in the inimitable productions to which we have listened, we have seen that it is no extravagance to say that her sons have virtually climbed every hill-side, threaded every mountain-pass, explored every valley, fathomed every cavern and "wrung their shy, retiring virtues out," passed over every lake and river, and navigated every sea; they lasso the wild horse of the Pacific border with the Indian hunter, gallop by the side of the natives upon the ponies of the Pampas, and are first and last in the mines of California. Nor is their enterprise confined to one element alone, but they pursue with success the monsters of the deep, and achieve that which in the days of the patient but afflicted Idumean was regarded so formidable, "*draw out leviathan with a hook.*" In short, such is their manly independence and characteristic self-reliance, that if cast naked and helpless upon the banks of the Ganges, instead of becoming objects of charity or commiseration, they would be sure to gain a livelihood and accumulate wealth, by furnishing fuel for the Hindoo Suttees by contract. And what, it may well be inquired, is the secret power by which they move the moral, and change the face of the natural world? It is knowledge,—knowledge, industry, and virtue. What enables one

hundred thousand Englishmen, in India, to cast down the temples, overthrow the idols, uproot the heathenism, and play the tyrant and tax-gatherer over seventy millions of savage black-heads, glittering in barbaric wealth, abounding in all the terrible elements of war, and burning with wild ferocity to expel the intruders from their soil? Alas! with all their natural elements of power, the answer is given in this, that—

“ Knowledge to their eyes her ample page,
Rich with the spoils of time, did ne’er reveal.”

Connecticut has sent forth her children, armed with a good common-school education, which, like the battle-blade of Fitz James, the Saxon, has been both “sword and shield,” and carved out for them success wherever it has pleased Providence to cast their lot. But it is not to the success of ordinary temporal enterprise, or the accumulation of material wealth alone, that its benefits have been limited. Its teachers, and those who minister in holy things, have been forth upon their mission of light throughout the habitable globe. It has gone down to the cottage of the lowly and abject, and led its humble inmates, if deserving, to the most distinguished stations. It has triumphed in the halls of legislation, and shed a lustre upon the pathway of the most illustrious of its votaries. By its light, our mothers, sisters, and daughters have fixed their gentle yet mighty impress upon our social structure, as noiseless as the dews of evening fall upon the vegetable world, and have adorned it with all that is virtuous, refined, and elevated. It has served to bind together, in ties of amity and interest, in singleness of heart and sympathy of soul, a great family of States, whose hearts beat responsive to the pulsations of liberty throughout the world,—glowing, like beacon-lights upon the mountain, to warn mankind of the dangers of ambition and despotism, and to beckon them onward, through liberty and intelligence, to the temple-gates of happiness and peace.

The sons of New England who have participated in this system of popular beneficence, comprise a large class in the Empire State, which has generously adopted them as her own, and cast her choicest laurels upon some of the most humble; they mingle numerously with the staid and sturdy yeomanry of the Keystone; they brush the earliest dew-drops from the vast

prairies of the West, and join their voices with the hum of the Pacific's waves. In the sunny South they stand "like men—high-minded men"—like men who know their rights, and knowing, dare maintain, invoking the Constitution as the ark of their political safety, and guarding their own institutions, as the vestals preserved the sacred fire. And they all, whether from the north, the south, the east, or the west, love, with the deep, pure, gushing love of sinless childhood, their dear native New England still;—love to gaze upon her cloud-cap'd hills, her fadeless sky, her sunny slopes, her smiling vales, her laughing streams; and to contemplate, with filial reverence, the condition of her refined, joyous, and happy people.

But the institutions from which these blessings, under a beneficent Providence, spring, are not ours to sport with, jeopard, or destroy. We hold them in sacred trust, during the pleasure of Him who conferred it, for the benefit of those who shall come after us, to guard and preserve at the cost of life, fortune, and honor. The States of this confederacy were united "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and ensure the blessings of liberty to ourselves and our posterity." In a few years, we who are assembled here shall all be laid in the dust. When we go hence, we shall separate, many of us for years—most of us forever; but the same blue heavens and beauteous earth will be here; the same rugged hills will remain, and the same streams will dance along as merrily as now, at the music of their own rippling. Our children and children's children will be here, too, for weal or for woe,—basking in the sunlight of our heaven-favored freedom, invigorated, perfected, and beautified by the tests of time and experience, or torn by the conflicts of rival States, and despoiled by domestic violence.

O! what modern Erostratus shall seek to hand down an execrable name to undying infamy, by raising his parricidal hand against institutions such as these? Are we not all brethren of one tie upon this great question, which so deeply concerns our integrity and being? Let us, then, by all the bright memories of the past, by the present fruition, by hope of the future, by the spirits of just patriots made perfect, invoke all to preserve, entire, a fountain from which so much goodness flows.

SPEECH

DELIVERED IN THE DEMOCRATIC NATIONAL CONVENTION AT
BALTIMORE, June 5, 1852.

[On the morning of the fifth day of the Convention, on the call of the States for the thirty-fourth ballot for a presidential candidate, the Virginia delegation, which had retired for consultation, came in and cast the fifteen votes of the State for Daniel S. Dickinson of New York. "This," says the report of the proceedings, "was received with favor." Mr. Dickinson, who was present as a delegate from New York, immediately took the floor, general consent being given, and addressed the Convention as follows:]

MR. PRESIDENT: I came not here to speak; but I should be much more or much less than human, if I could under these circumstances be silent—if I could arise and address this Convention without the very deepest emotion. I came here not for myself, but as the representative of others, clothed with the highest functions, which it shall be my chief ambition to discharge. I came here not with instructions, but with expectations stronger than instructions, that I would vote for and endeavor to procure the nomination of that distinguished citizen and statesman, General Lewis Cass, of Michigan.

["At this point a number of magnificent bouquets were thrown by the ladies occupying one of the galleries, and loud and long-continued were the huzzas and other demonstrations of applause." *Published Report of the Proceedings.*]

I have enjoyed the highest honors the sovereignty of my State could confer, and have seen times when, in the discharge of public duties, I have been covered with revilings; yet amid all the varied responsibilities of life, I have never experienced an occasion so trying as this. But should I hesitate or

waver? No! Mr. President! From the time I took my seat in this Convention, men who never knew me, who never before had seen me, coming from a far-off State, cast for me their votes from the beginning. Well may I feel proud of this, and claim it as a rose-bud in the wreath of political destiny. And now I see the land of Presidents—the ancient Dominion—coming here and laying her highest honors at my feet. Virginia, the land of chivalry, the land of generosity, the land of high and noble impulses—a land of all others willing to rescue my name from every imputation. I cherish her vote as of the highest worth and import. As an offering unsought, unrequested, opposed to my own wishes, it has been brought to me; and is, therefore, the more valuable. But while I thus prize and shall hold in grateful remembrance to my last hour a compliment in every respect so distinguished, I could not consent to a nomination here without incurring the imputation of unfaithfully executing the trust committed to me by my constituents—without turning my back on an old and valued friend. Nothing that could be offered me—not even the highest position in the government, the office of President of the United States—could compensate me for such a desertion of my trust. I could receive no higher compliment than has here been tendered me, but I cannot hesitate in the discharge of my duty. I would say to my Southern friends that I shall go home a prouder, if not a better man. What I have met with here to-day has given me renewed assurance, that “truth crushed to earth will rise again.” And may I not ask my friends, the representatives of the Democracy of the Old Dominion, who have by their generous action stayed up my hands, may I not successfully invoke them, by all the history of the past, by the rich fruition of the present, and the glorious hopes of the future of our country, to go with me for the nomination of one who has been abundantly tried and ever found faithful, Lewis Cass of Michigan. [Applause.] We cannot find a single individual acceptable to us all. Every one can pass criticisms upon opposing candidates, and even upon his own peculiar favorite. None are perfect. From the accomplished statesman of Pennsylvania to the hero of San Jacinto, every one can be charged with defects real or fancied, and I can repeat to opponents:

“Go, wiser thou, and in thy scale of sense
Weigh thy opinion against Providence ;
Call imperfection what thou fanciest such,
Say here he gives too little, there too much.”

It will be a long time before we can come together in favor of any one man, if each insists on being absolutely satisfied. There are many stars in the galaxy. Let us then cease our struggles and act in a spirit of forbearance, conciliation, and compromise.

I tender my most grateful thanks to my friends of the “Old Dominion” for the choice offering they have brought me, and congratulate them and all other friends upon the good temper which prevails in this Convention. I ask them not to expect me to depart from the line of my intentions, and I know they will not. My spirit is willing, and the flesh is not weak; the highest temptation, I repeat, could not induce me to depart from this course.

[“Mr. Leake wished to say a word for Virginia. Nathaniel Macon once said, that the Presidency was neither to be sought nor declined. The fact that the gentleman from New York declined was the highest argument in his favor. We wish to say that he has not been forced upon us.” *Published Proceedings.*

On the thirty-fifth ballot, the Virginia delegation cast the vote of the State for Franklin Pierce, and on the forty-ninth ballot he was unanimously nominated.]

ORATION

ON THE CELEBRATION OF THE ANNIVERSARY OF AMERICAN
INDEPENDENCE.

DELIVERED AT SYRACUSE, N. Y., July 4, 1853.

[The publication of this Oration was preceded by the following correspondence :

SYRACUSE, July 4th, 1853.

VERY HONORABLE SIR : Being under instructions to that effect from the Committee of Arrangements for the Fourth, the undersigned do most respectfully solicit for publication a copy of your very able, eloquent, and patriotic Oration delivered before our citizens to-day.

A wide diffusion of the lessons of that document among the masses, we are confident, will awaken a livelier appreciation than now exists of our greatness as a people among the nations of the earth, of the relations of other nations towards us, of the duties and obligations towards each other of the different members of our Confederacy, of the responsibilities and proprieties incumbent upon us as individual citizens of a government which is based upon the virtue and intelligence of its subjects, and of the broad nationality of principle and aim so necessary for the continual preservation of our beloved and blessed institutions.

We trust, therefore, that our distinguished Orator may be pleased to grant the request in this note contained.

And we have the honor, Sir, to be

Your very humble fellow citizens,

S. CORNING JUDD,
B. M. HOPKINS,
E. B. GRISWOLD,
F. A. MARSH,
NICHOLAS COONEY.

HON. DANIEL S. DICKINSON, Syracuse House.

BINGHAMTON, July 6, 1853.

GENTLEMEN—I did not find time to answer the very kind note which

you placed in my hands on the evening of the Fourth, requesting a copy of my Anniversary Address for publication, until I reached home, and must urge my incessant engagements while with you for apology.

The Address was prepared in great haste, and I fear is too carelessly written to bear the test of criticism; but as you believe the dissemination of its doctrines would prove salutary, I commit it to your discretion, relying upon the liberal indulgence of my friends and a generous public.

I have the honor to be, &c.,

Sincerely yours,

D. S. DICKINSON.

Messrs. S. CORNING JUDD, B. M. HOPKINS, E. B. GRISWOLD, F. A. MARSH, and NICHOLAS COONEY.]

MEMORABLE indeed, my fellow-citizens, is the day we celebrate, in the annals of our country: a day which marked the commencement of our national existence, and a new era in the history of governments among men; a day consecrated to patriotic impulses and proud recollections; a day upon which all the friends of constitutional liberty may merge their domestic divisions and offer their common oblations to the Giver of all good; a day for national enjoyment, for an interchange of kindly feelings and generous sentiments, mingled with that profitable self-communion which vigilance demands of a free people, that we may determine whether we have held in cherished remembrance that noble and successful experiment of our fathers in favor of the rights of man.

The Western Hemisphere seems to have been consecrated by Heaven to the cause of civil and religious liberty. In the pursuit of freedom of conscience originated that scene of incomparable moral grandeur, the embarkation of the pilgrims: a scene whose sublimity eloquence and art have in vain sought to delineate, and which will live in tradition when all their storied memorials shall have passed away forever. The first conventional germ of the free government and its attendant blessings which we now enjoy in such liberal profusion, sprang up on board that bark of immortal memory, the *Mayflower*, as she was riding at anchor in a New England harbor. The primary community thus gathered, acting as their own legislators, with a brevity and simplicity most commendable, reared

their fabric of social order upon broad and deep and enduring foundations by the following compact :

“ In the name of God, amen !

“ We whose names are underwritten, the loyal subjects of our most sovereign Lord King James, by the grace of God, of Great Britain, France and Ireland, King, and defender of the faith, &c., having undertaken, for the glory of God and advancement of the Christian faith, and of our King and country, a voyage to plant the first colony in the heathen parts of Virginia, do by these presents, solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together in a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid ; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and offices from time to time as shall be thought most meet and convenient for the general good of the colony ; unto which we promise all due submission and obedience.”

This crude but sublime theory of free government, evolved by the Adams and Eves of this republic, was fostered, strengthened, and improved by the fathers of the Revolution. Invigorated by the free air of this refuge of liberty, and looking out upon the works of an Almighty artificer, they saw that the sun's golden light and genial warmth were spread out for all earth's children ; that the refreshing rains of heaven descended alike upon the just and the unjust, and that the dews of evening fertilized for all. The lights of revelation and the deductions of reason taught them that the whole family of man were framed in the same Divine image, and were protected and sustained by the same good Providence ; that all were created with the same immortal attributes, nourished by the same elements, depressed by the same infirmities, weaving the same mysterious web of earthly being, alike the subjects of disease and death, and bound to a common tribunal ; and goaded to desperation by the frauds and oppressions of Kingcraft, they tore away the veil which concealed the deformities of a spurious theology and a fabricated legitimacy, and exposed them to the gaze of a plundered and outraged people.

They proclaimed to the world the fraudulent pretensions of “ Divine Right ; ” asserted the sacred doctrine of equality, and

raised up those who were prostrate at the footstool of a gorged and stultified monarchy. They aimed a fatal blow at social and political despotism. They determined to navigate and explore the shoreless ocean of freedom, and in the fulness of their virtuous resolve exclaimed, as if to the genius of Liberty,

“ Build me straight, O worthy master,
Staunch and strong, a goodly vessel,
That shall laugh at all disaster,
And with wave and whirlwinds wrestle.”

Let the historian tell of the perils of that devoted ship—of the toil and hunger—of the fatigue and cold—of the privation and sickness—of the precious blood which was shed—of the bitter tears which flowed—of the sighs and prayers which were wafted to Heaven—how many hapless victims were by violence and butchery hurried untimely to judgment—how she was tempest-tossed upon the maddened elements—how her trembling structure was exposed to wreck and destruction, ere she was safely moored in the haven of peace.

Three quarters of a century have just elapsed since that spirit-stirring declaration ; and thirteen feeble and sparsely settled colonies have given place to thirty-one populous sovereign States, with others in process of formation, and on their way to join the happy sisterhood. A crude and disjointed confederacy has been replaced by a glorious constitutional union—forming a free and happy government, where all are protected and none are oppressed ; where labor is bountifully rewarded ; where learning is encouraged and the arts and sciences cherished ; where misfortune is provided for ; where each one worships God according to the dictates of his own conscience, and where want and destitution in the abodes of virtuous industry are unknown. The scion of a monarchical stock, transplanted to the genial soil of liberty, we have flourished beyond the most sanguine anticipations in all that can elevate and secure the best interests of mankind.

Our form of government, which has proved so eminently successful, was at first the recipient of taunts and sneers from all the pampered pimps of “ Divine Right ” pretensions throughout the earth. Its success provoked their envy, and now its sublime moral grandeur wings from the trembling occupants

of unsteady thrones unwilling admiration. Taught by dearly purchased experience, they long since despaired of crushing by the armed power of the world a people devoted to the arts of peace ; and hence they have assiduously sought to assail, divide, and conquer us, with the moral artillery of spurious philanthropy and an exuberant display of zeal in the cause of freedom and humanity ; that they too and their abettors and apologists may at the same time

“Compound for sins they are inclined to,
By damning those they have no mind to.”

But, however much we may indulge domestic controversies touching our internal affairs, we shall, I trust, receive and treat with becoming scorn, lessons upon national morality from European monarchies or their self-constituted nobility. If it is proper that we should receive, they are by no means entitled to give instructions upon national wrongs nor lessons on human rights. We will pass by Russia with her military despotism, her knouts, her serfs, and Siberian exiles ; and France, with her impulsive, restless, revolution-loving people, who court oppression one day that they may throw it off by violence another ; whose liberty is licentiousness, and whose idea of freedom is the right to sack and plunder ; and we too will pass by proud, decayed, and superannuated Spain, and ferocious, blood-thirsty, and bigoted Austria, and pay our respects for a moment to powerful, haughty, and aristocratic England, in morals as in war, a “foeman worthy of our steel.” The best epitome of her self-importance, and of the American Revolution and Independence, is given by the sarcastic English writer, Sidney Smith. “There was,” says he, “a time when the slightest concessions would have satisfied the Americans, but all the world was in heroics. One set of gentlemen met at the Lamb, another at the Lion, real blood and treasure men, breathing nothing but defiance. Eight years afterwards an awkward-looking gentleman in plain clothes walked up to the drawing-room at St. James, and, in the presence of the gentlemen of the Lamb, was introduced as *Ambassador from the United States.*” Her pampered, indolent, consuming nobility, who hang like an incubus upon the industry of her people, have by their ill-timed and officious intermeddling in our

domestic affairs so often provoked and invited a return of civilities, that it may not be amiss to display upon this occasion the features of her veiled prophet. It is clearly the policy of our government and people to cherish friendly relations with this, as with all other nations, and this will be best attained by an occasional examination of accounts, and the prompt adjustment of balances.

There is much, very much, in England's history to admire ; much indeed to contemplate in a spirit akin to filial reverence. In her glorious system of common-law, her encouragement of the arts and sciences—as the patron of letters, and the enterprising pioneer in commerce, she furnishes profitable lessons for contemplation and instruction. But, to those whose visions can penetrate the blaze of her martial glory, and look upon the seared eyeballs of her struggling, groaning, starving millions, she is but a whited sepulchre—"a huge burial-field unwall'd and strewd with spoils of animals savage and tame." The history of her government is but the history of the rapacity and blood which have marked the pathway of her base and destructive career, from the time she sought with the ferocity of a tigress to strangle the infant of her own bosom, to the present moment. Her mighty influence among the nations of the earth, whether we regard her precepts or example, has not been exerted to ameliorate the condition of men—to diffuse more equally the blessings of a beneficent Providence, or to correct the vicious organization of society which she herself established ; but for the accumulation of material wealth and the achievement of military renown. In her superhuman efforts she has not sought to elevate the condition of, and feed and clothe her own toiling masses, but to feast and pamper, and to cover with garters and gew-gaws, and gorgeous drapery, and invest with power and maintain in place a favored and unworthy few, while the abject many are crushed and debased by ignorance and want and every privation which can render our kind wretched and degraded ; their substance consumed by a pensioned aristocracy, and eaten up by a fox-hunting priesthood, while the children of their bodies starve and die for the lack of the bread earned by the labor of their hands. It is the boast of this proud monarchy that her drum-beat encircles the world, and that the sun never goes down upon her possessions ; and before she becomes a

trans-Atlantic almoner, she might remember with profit if not with pleasure, that she has thousands of subjects of both sexes and all ages and conditions, upon whom the light of heaven's sunshine has never fallen. If she has more tears to shed, and finer sensibility to expand, let her unharness woman from the subterranean coal car, where like the lowest orders of beasts of burden she is driven until all that was womanly has left her forever. Let her suspend her wholesale murder of children who

"Pine in want and dungeon's gloom,
Shut from the common air and common use
Of their own limbs,"

who in the last great day of accounts will raise their little hands against her for her system of factory labor, more destructive than the mandate of Herod: a system which renders them as inanimate as the machinery which is their co-worker, and which, like an evil spirit, has come hither to torment them before their time. Let her listen to the wailings of her sewing-women, who with tears of blood exclaim in the language of her own immortal poet,

"Oh men with sisters dear,
Oh men with mothers and wives,
It is not linen you're wearing out,
But human creatures' lives.
Stich, stich, stich,
In poverty, hunger and dirt,
Sewing at once, with a double thread,
A shroud as well as a shirt.

"But why do I talk of death,
That phantom of grizzly bone?
I hardly fear his terrible shape,
It seems so like my own.
It seems so like my own,
Because of the fast I keep.
Oh God! that bread should be so dear,
And flesh and blood so cheap."

If these grievances are too near the centre of regal magnificence to command attention, lest it mar the glories of her tro-

phies and dim the effulgence of her regalia, let her for a moment, in the rich plentitude of her compassion, turn her eye to a neighboring green isle of the ocean, whose down-trodden children are groaning under the exactions of a government which, like the fabled vampire, is preying upon their warm heart's blood. Let her see them conquering that holy love of home which is stronger than death, and tearing themselves from friends and kindred and the remains of their beloved dead, that they may escape the destroying influences of a government less tolerable in its visitations than the curse which overthrew the cities of the plain. See them hovering upon our shores, the asylum of the oppressed, the home of the weary and the houseless wanderer, who has found no rest for the sole of his feet, amid the wide waste of the old world's desolation. Stained with guilt and drunk with the blood of nations, when she has redressed these and many kindred grievances, and atoned before Heaven for her whole career of atrocity and violence, she may assume to play the censor with more propriety and no less advantage; and we may then consent to discuss with her the national morality of a domestic institution of a portion of the States of this confederacy, which constitutes so large an item in her catalogue of mock solicitude; an institution which was planted upon our soil by her own cupidity, against the protest of our people, which is in no regard within the reach or control of federal legislation, and which the States where it had existence could not with safety or propriety suddenly throw off if they would.

When we were, as a people, few and feeble, we possessed the moral courage and physical force to achieve our independence against the most warlike nation of Christendom. Now that we are, by common consent, one of the great powers of the earth, if we are not equal to the reformation of our own abuses, we shall fail to draw profitable teachings from envious rivalry abroad. We will submit our shortcomings to a tribunal worthy to review them, a virtuous, intelligent, and refined people, whose opinion is free from the musty prejudices of decayed royalty. We will, socially speaking, confess to our full share of error, and to records in abundance of human frailty; but we will arraign and try, and, if need be, condemn and execute, where the sanctuary of justice is untainted with envy.

Our institutions repose not upon physical foundations of standing armies and warlike material, but are upheld by the virtue and intelligence of a free people. The patriot's hope for their enduring perpetuity rests in the fabric of social order, which is deeply indebted for its strength and beauty to the influence of woman, who fashions the structure of society. In the sphere which Heaven destined her to fill, she holds undivided empire; she purifies the foundations of social and domestic life, and casts the impress of her moral image around her, like the smiles of a gracious Providence.

That dream of poetic fancy which suggested that the domestic hearth was the only spot on earth uncontaminated by Satan in the fall of our common progenitor, was a beautiful conception, and is exemplified in the pure and holy influences of a mother's love. The characteristics of her nature are gentleness and peace. In every sphere of life where it has pleased Heaven to cast her lot, whether at the fireside of home, where, by influences which fall like evening dews, she sways the moral sentiments, and refines and elevates the affections, or in heathen lands; whether in the mansion of affluence or in the lowly cottage; whether lingering by the couch of the dying, moistening the fevered lip, and wiping the death-damp from the throbbing forehead, after her companion has sunk beneath or fled before the destroyer, she is ministering to the necessities of fallen man, and fulfilling the mission of that same angel of mercy who was last at the cross and earliest at the tomb of her Lord and Master. Who would desire to see her transferred from the domestic altar-fires to the political arena; from the culture of immortal minds at the vestibule of existence, to the framing of legislative reports and penal statutes; from teaching infant lips to pray, to mingle in the harsh contests and angry debates of the forum; from being the presiding genius of a happy home, to preside over grave courts and wrangling conventions? Her physical and mental structure indicate, not that she was destined for a sphere inferior to that of man, but that she was called to exercise a vocation more interesting, delicate, and sacred.

The conceit that she has been degraded by society from her true condition, is the diseased offspring of a morbid fancy. Wherever Christianity and civilization are known, she is man's companion and equal, and in social life the arbitress of his

destiny. She enjoys privileges and immunities to which he is a stranger, escapes many and grievous burdens which rest upon his shoulders, and, like the Pharisees of old, she occupies the uppermost rooms at feasts and receives greetings in the markets: and the reformers of modern times, while prospecting for the fossil remains of her lost rights, should remember that if, in the discharge of common duties and common offices, equality is the point to be attained, she should commence the reformation by restoring, for man's equal enjoyment, many prerogatives which she has usurped and monopolized. He who should insist upon the equal rights of metals which are usually employed in transacting the business of life, and to that end seek to fashion implements of husbandry from gold, that it might enjoy equality with iron, would be pitied for a lunatic, and meet with contempt and ridicule for his reward; and he who would desecrate and spoil Heaven's last, best gift, by transferring her from the exercise of her social functions, where she holds mysterious dominion over the heart, to discharge duties and engage in conflicts suited only to man's sterner nature, should be remembered only with execration for the wrongs inflicted by him upon society—for his endeavor to dim the lustre and mar the beauty of the female character, by hurling it down to darkness from its orbit where it has so long shed light and loveliness around.

Every age has furnished its self-constituted, restless, buzzing reformers, who regard society as an organized evil, and hence have essayed to uproot and reconstruct it according to their own Utopian schemes and dreamy speculations. Hitherto, fortunately, these moon-struck conceits have been confined to the idle, vicious, and demented; but now, unhappily, we have many of a different class, and of diversified characteristics, big with the spirit of some social reformation, which is to exterminate from our land every real and imaginary ill. And lamentably foremost and most conspicuous in the performance are respectable females, who, finding the relations of wife, mother, and sister too tame and spiritless to engage their attention and command their solicitude, have unsexed themselves, left the home-hearth cold and desolate, and, with ideas and costumes alike elevated, are struggling to stand at the head of this motley crusade, that, like Peter the Hermit, they may rescue the holy land where woman's rights are entombed from the grasp of infidel man. Nor is this

all: The *Ultima Thule* of perfection is not to be attained until the supremacy of all kindred isms is vindicated and established; until both sexes shall pursue the same vocations in common; until the barriers which nature erected between colors and races in physical developments and dissimilar tastes shall be prostrated by amalgamation; nor, finally, until entire communities shall dine together from one universal platter, and cleanse their linen in a common tub.

By the interposition of a kindred genus and allied class of modern seers, the teachings of philosophy, too, have been rendered useless through the occult process of spiritual manifestations; and divine revelation has been superseded and rendered useless by the receipt of later intelligence from the land whither we are hastening! The immortal yet obedient and convenient spirits of the departed appear like the shade of the ancient prophet on the summons of some modern witch of Endor, and reveal what is doing on the other side, by plying spiritual knuckles upon substantial and material things! Pitiful, humiliating, and shameless delusion! The green-room where tragedies are rehearsed to be enacted in the mad-house! In its influences, corrupt, sensual, and devilish—at variance with every process of reasoning, subversive of the common delicacies and decencies of life, and in derogation of all religion, revealed or natural. Its heresies are more threatening to the cause of morals than the libertinism of the worst ages, and more hurtful to the cause of religion than the works of Paine and Voltaire sown broadcast among the people. While we can look with indulgent compassion upon the humiliating mummeries of heathen idolatry, a people whose mission is to inculcate the principles of civil and religious liberty, and whose government rests upon their virtue and intelligence, should rescue their history from contamination and hoot all such impositions beyond the pale of society.

American independence was not achieved for the mere purpose of procuring a separation from the British crown, but that we might enjoy, in the true sense, the blessings of rational freedom; and the founders of our system, knowing that liberty must dwell with purity, intelligence, and truth, inculcated by precept and enforced by example a high standard of intelligence and of national and individual morality. It is the found-

ation upon which rests the ark of our political safety, and should be guarded by that sleepless vigilance which alone can secure or preserve the principles of liberty. Others, under different circumstances, have lamented the absence of virtue, because of its influence upon public affairs; and even Mirabeau, that gifted and erratic spirit, whose great intellectual power did not compensate for the absence of moral light, who, at one time, held in his hand the terrible elements of the French Revolution, declared that he would pass through a heated furnace seven times if he could by that process secure a good personal character.

In a government founded like ours in the opinions of the intelligent and virtuous, every individual is charged with high and responsible political trusts, and the study of political affairs is one of the first duties and noblest pursuits of the citizen. Not that political pursuit which creates crawling, base, and superserviceable partisans, with no shame but in defeat, no principles but caucus machinery, and no aims but the attainment of office; but the pursuit of that political science which inculcates the true spirit of our free system, which familiarizes with its origin and history and teaches how it may be best upheld, and most successfully administered for the general good.

In turning back our thoughts for the origin of the day we celebrate, we see the armies of a British potentate plundering our seas, ravaging our coasts, burning our towns, and destroying the lives of our people; and the fathers of the Revolution declaring and achieving an independence upon principles as broad as the universe. But, where are they by whose services and whose perils, whose valor and whose blood, this precious boon was secured?—Where, alas! where, the Revolutionary soldiers? A few years since at anniversary gatherings, conspicuous in the procession was the remnant of that little band with tears of joy streaming down their furrowed cheeks, with thanksgivings trembling upon their aged lips, that their exertions in the cause of liberty had been rewarded by such ample fruition. Now the bowed and attenuated forms of the soldiers of the Revolution are emphatically like angel visits, “few and far between.” Here and there, thank Heaven, one still lingers to remind a too ungrateful people, that the blessings they enjoy were not the result of chance. A few years more, and the last

of these faithful sentinels will be summoned from his station on the ramparts to his final reward and rest, "The bosom of his father and his God;" and the little mound of earth that covers his illustrious remains will be held as sacred from the intrusive foot, because it marks the grave of a soldier of the Revolution. Dear and venerable old man! many sympathizing hearts have bled over the recital of your trials; many bosoms have leapt with joy at the recollection of your patriotism, and many prayers have invoked upon your revered head the choicest of Heaven's bounties. I would, before you depart hence, that, like a patriarch's son, I could receive from your aged lips a patriarch's blessings. May the remainder of your days be days of pleasantness and peace, and when it shall please Him who "doeth all things well," to call you home, may some gentle hand of affection smooth your pillow and close your eyes in death; may your noble and immortal existence be changed to the mansions of the blessed, and may a double portion of your spirit rest upon those who survive you.

The last patriot of the revolutionary line long since disappeared from the public councils, and their lessons of wisdom will be heard there no more; and recently three great lights in the political firmament, which no mortal power can relume, have been extinguished forever. The lips of the severe and abstract CALHOUN, with his chaste and simple logic, his strong analysis, his direct and concise periods, and his exhaustless sources of thought, are hushed in the deep tranquillity of the tomb.

Silent too in death is the tongue of nature's great Orator of the West, whose eloquence swayed men's hearts and emotions and moved them to mirth or tears at pleasure. But the recollection of his patriotic greatness and the fadeless lustre of an undying name are all that is left to earth of what was HENRY CLAY.

And prostrate in the dust, like some vast classic ruin, repose the mortal remains of that intellectual Titan, DANIEL WEBSTER, whose incomparable mind was one vast storehouse of knowledge, and who, after having finished his course on earth, like the sun at evening, seemed largest as he sunk to rest.

These patriotic names are indelibly inscribed upon the reo-

ords of our country's fame, and their great memories will live long in the hearts and affections of an admiring and grateful people. The eventful life of each in his day served as a memorable illustration that,

"He who surveys the mountain-tops will find
The loftiest peaks the deepest wrapt in snow;
He who surpasses or subdues mankind,
Must look down on the hate of those below."

But they had survived the bitterness of party conflict, and were esteemed inseparable from our country's glory. Their actions will be cherished as among the brightest passages of our history, and transmitted to posterity as a common heritage. When the last of these illustrious men closed his eyes on earth, I was painfully reminded of the first words it was my fortune to hear from his lips in pronouncing a eulogy upon a late colleague:

"True, 'tis an awful thing to die,
But the dark vale once trod,
Heaven lifts its everlasting curtains high,
And wings the immortal soul away to God."

In the present condition of our country we find ourselves a mighty Republic of States, each free and independent in all that concerns its domestic polity, but joined to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. The common compact which constitutes a union between the several States was transmitted by our fathers as an heir-loom of glory to our common country. It has been immeasurably more successful than its most sanguine friends and enthusiastic advocates could have anticipated. It formed a union incomparably more perfect than the feeble confederation which it superseded, and, with a few memorable exceptions, has been hailed by the whole American people as the sheet-anchor of their hope. In no land has justice been more perfectly established or more purely administered, nor domestic tranquillity better secured. Under the salutary influences of a

free Constitution, the strong arms and patriotic hearts of citizen soldiers provide for a common defence; and woe be to the power that shall call them to take up arms for the preservation of the liberties and honor of their country.

The general welfare is written in letters of light upon every temple dedicated to the worship of the Almighty; it stands out in every institution of learning, upon every place of business, in every cultivated field, upon every private dwelling; it speaks in the face of every virtuous citizen; it is heard in notes of gladness at every corner; it is echoed in the soothing accents of woman's voice, and rings in the light laugh of childhood. And the blessings of Liberty too, clustering in golden profusion like grapes of the Land of Promise, have been secured and transmitted to us; and, unless we prove faithless to the trust confided to our care, will pass unimpaired to our posterity.

This fraternal compact, then, has served the benign purpose of its patriotic authors. It has brought us from an impoverished and precarious existence, while yet in early youth, to the zenith of political success. It has borne us with honor and triumph through two wars, which we were forced to wage to chastise foreign insolence and aggression. It has withstood numerous elections of a Chief Magistrate when the political elements were madly heated, and temporary questions lent a virus to party fury; but all was again calm and tranquil when the popular will was indicated. It has witnessed the death of two Presidents of the United States during, and early in their official terms respectively, with no other results than a nation's tears. It, too, has survived the assaults of intestine foes and can tell

"How sharper than a serpent's tooth it is,
To have a thankless child;"

and yet it is this day stronger in the hearts and affections of the American people, in all its several parts and provisions, than it has been any other day since its adoption. Every year that has been added to its existence has challenged increased admiration. Every trial through which it has passed has proved it equal to the emergency. Every blow which has

been aimed at its integrity has served to exhibit its strength and beauty, and develop its symmetrical framework.

Oh! glorious tree of Liberty, placed in Freedom's soil, in Freedom's holy land! consecrated by the blood and nurtured by the tears of self-sacrificing patriotism! How many oppressed and abject of Earth's children have been sheltered by thy protecting branches, and subsisted upon thy fruits! How many have there found refreshment and repose, who, but for thee, might have exclaimed with Him who spake as never man spake: "Foxes have holes, the birds of the air have nests, but the Son of Man has not where to lay his head!" Who would desire to see this glorious emblem of Liberty uprooted, or stand seared and blasted,—a naked and sapless trunk—its foliage withering, and bereft of its branches? Who would destroy a fountain from which so much goodness flows, to revel in dreamy speculations of visionary philanthropy? What modern Erostratus would raise the incendiary's torch to the dome of this temple consecrated to the best hopes of man? If there be any, may the God of Mercy forgive them; for, like them who crucified the Saviour of men, they know not what they do.

Mighty as has been the growth of free principles in this hemisphere, they are yet in comparative infancy. The rays of light which shot athwart the heavens from the star of liberty, like those that shone out from the star of Bethlehem, have fallen upon the vision of the wise men of the East. The great problem of human government so successfully solved by the American people, has shaken with terror the crowned-headed revellers of the old world, as the hand-writing upon the wall did the King of Babylon at his impious banquet. Monarchy throughout the earth is silently but fearfully struggling with the painful throes which betoken dissolution, and the spirit of popular revolt has reached the children of the sun and moon, who are turning from the alternate beating and worshipping of their hideous divinities, to prosecute an intestine war, under circumstances where change cannot fail to be improvement. And still our mission is upward and onward.

Look out upon the vast expanse dedicated to the cause of freedom, stretching as it were from the rising to the setting sun;—mark its length of coast, its magnificent harbors upon

two mighty oceans;—observe its great inland seas—its majestic rivers—its sublime mountain ranges;—look along its glad green vallies—upon its gilded hill-tops—up its sunny slopes;—contemplate its variety of climate, from the stern winters of the north to the land of perpetual flowers and sunshine, and its corresponding variety of productions;—see the cattle upon a thousand hills—the fields teeming with abundance,—and agriculture, mechanic arts, manufactures, and every industrial pursuit rewarded with unexampled success. Hear the worship of its temples, vocal with invocations to Heaven. Consider its free and universal system of education, and above all the moral and social condition of its blessed and happy people. From occupying a narrow belt along the Atlantic slope, they have passed beyond the great cluster of northern lakes to the river which separates liberty from monarchy, and planted towns and cities and happy homes in the lair of beasts of prey;—they have climbed the Alleghanies and crossed the Mississippi—have scared the eagle from his crag in the passes of the Rocky mountains, and now stand upon the golden sands of the Pacific. Their spirit of enterprise is mirrored in the Western lakes, and the hum of their busy industry is echoed upon the St. John's, Columbia, and Rio Grande. But our course is onward still, and our country destined to fructify in increased development in all that can advance the interests of civil liberty. The resistless current of destiny will ere long expel all other powers from American soil, and an entire continent be ours to subdue and fertilize;—its various races ours to civilize, educate, and absorb, and increased duties will be presented and new triumphs spread out for us to achieve in the cause of human progress. All this has been rendered inevitable by a decree beyond the influence of human agency, and, whoever will turn back upon the history of the past and look forward upon the future, must see that, in the fair ratio of previous advancement, before the close of the present century this continent will teem with a free population of a hundred million souls.

This glorious realization and these glowing prospects, under the favor of heaven, are the fruits of the happiest form of government ever vouchsafed to man—a government of the

people—a family of free and independent States, which sympathy made one in a common Union.

And such a State is the Empire of the Confederacy; an empire in the moral grandeur of her people—in her institutions of religion—in her colleges, academies, and schools—in her perfection of the arts and sciences—in her magnificent internal improvements—in her agriculture, mechanism, and manufactures—in her commercial transactions, twice greater than those of her thirty sister States combined, in her collection of two thirds of the vast revenues of the general government;—an empire whose greatness is the subject of universal admiration, and whose voice in the sisterhood of States is potential for good or evil. Clothed with such potent attributes, and holding such ample prerogatives, she is charged, as she should be, with corresponding responsibilities; and her precepts and her example will be wide-spread in their influences. It is clearly her highest duty, as it must be her proudest privilege, to move onward in that course which has received the smiles of Heavenly approbation, and brought her and her sister States to their present exalted position; to be first and foremost in upholding with her gigantic power, and the influence of her great name, that sacred charter of liberty upon which reposes our national existence, to preserve from the corrosions of sectional distrust, the assaults of mad fanaticism and the schemes of unchastened ambition, our country's Constitution; to establish between the several States of the Union that fraternal regard which the Father of his Country inculcated, and to frown determinedly upon every effort calculated to plant a canker at the root of our national felicity, or to sow broadcast among our people the seeds of bitterness and strife.

This State was left to the enjoyment of its own wise policy, undisturbed by the officious intermeddling of other members of the Confederacy, or their people; and we are this day enjoying the benefits of that enlightened legislation which is the voluntary emanation of the intelligent and free. Let us then believe the people of our sister States as wise, virtuous, and humane as ourselves, and leave them, as they left us, to discharge their own responsibilities in their own good time and manner; answering to their own consciences

and to Him who rules the destinies of nations, for the faithful discharge of their duty.

As individuals we occupy but a point of space upon the broad current of time. In a few years, we, who as a people are the repository of power and sway the destinies of government, shall all lie in the dust; but our descendants, through the long track of future time, will be here, inspired with the same instincts of liberty, and animated by the same hope as ourselves. The free principles which were purchased so dearly and bequeathed to us baptized in blood, are not ours to destroy—to jeopard by mad experiments—or to waste in sickly sentimentality; but, to improve and enjoy in our day and generation like rational responsible beings, and to leave in unimpaired vigor to our children. We have little to fear from violence. Our institutions would stand the combined assault of a world in arms unshaken. But to preserve them in their purity and strength, we should cherish, by every means and faculty which God has given us, that fraternal spirit between the several members of the Confederacy, which moved them to unite as a people in severing the chains which linked them to despotism. The sons of our sister States poured out their blood, together with those of our own, and their bones whitened the same battle-fields. They were with us in woe; let us not cast them off in weal.

In discussing the relations of the American colonies during the Revolution, a British peer declared with eloquent significance that, robbed of so precious a jewel as America, the King might still wear his crown, but that it would not be worth his wearing; and although the American Union might endure all the assaults which the enemies of free principles and gibbering fanatics combined could bring against it, unless it can be maintained in that confiding spirit becoming the sons of revolutionary sires—in the same generous feeling which framed it, it will exist only in name and stand a delusive mockery—the lifeless and mouldering remains of a conventional Union, after the spirit which gave it interest and animation has departed.

No creation of earth can be perfect in its construction or perpetual in duration. Destruction and decay are written upon all terrestrial things. The destroying spirit which frowns

in the storm strikes the fatal blow in sunshine, and those who survive the rudest shocks unscathed, fall in a moment of apparent security and repose. The forest oak which has withstood unshaken the blasts of an hundred winters, and which even the fury of the thunder-gust has not smitten down, falls a prostrate ruin when not a leaf is rustled by the breeze, under the insidious influences of the worm that is gnawing at its heart; and the tree of liberty, towering proudly to heaven, shooting deep its roots and spreading wide its branches in defiance of hostile elements, will wither and die when cankered with internal disease.

In the benign effort to brighten the chain of Union, and renew offices of friendship between brethren of the same national household, how replete with interest is the position of the Central City of the first State in the Confederacy—a city which in the full development of vigorous maturity leaped into existence like the goddess from the brain of Jove, and yet rejoices in all the elasticity of childhood, and buoyancy and hope of youth. In her commanding attitude she is as a city on a hill, which cannot be hid. By the influence of her local advantages, interchanging sentiments daily with every section of our country; by the spirit of enterprise which characterizes her vast business relations, and the high social position for which her people are proverbial, she must do much to gladden the hearts or embitter the feelings of her brethren throughout the Union. In looking over the wide area of freedom, and contrasting its condition with what it would be, torn and distracted by intestine broils and disjointed by sectional hate, she will not “forsake this fair and fertile plain to batten on that moor.” Her incomparable growth partakes of all that can elevate and adorn a people, and her exalted grandeur tells us that she was a legitimate offspring of Freedom—the fruit of a holy political Union, and filial duty and affection will alike inspire her to the discharge of the kind offices which so interesting a relation imposes. She has experienced in her own proud and glowing history the blessings which flow from our free and happy system, and will lend her voice and aim to preserve from desecration the ark of our political covenant.

By improvements in physical science, we are placed, as it

were, at the doors of our brethren in remote sections of the Union. We converse with them at pleasure, and words are conveyed and returned with the velocity of light. We desire their society, and fly by the mysterious power of steam, at a rate that annihilates space. The facility for the exchange of friendly offices, for the mutual assurances of friendly sentiments, between different sections, if suitably improved, will serve to form and preserve enduring friendships and to mitigate unfounded prejudices; to teach us that we are all children of a common father and alike interested in preserving a common Union. The trials through which our institutions have passed have served to illustrate the sovereign rights of States; to purify the atmosphere, and to teach the necessity as well as value of fraternal regard. The great mass of the people of the United States have spoken upon the subject of the American Union, in a voice not to be mistaken or disregarded with impunity, and they will now go on their mission of freedom and good-will to man rejoicing, and few indeed will seek to stir up sectional strife or fan the embers of social discord.

Some there are and must be in a land of freedom, who, drinking lightly at its fountain, its shallow draughts intoxicate; they view society through a reversed medium, and judge it by the standard of their own perverted intellect. They can see nothing good or glorious in our system, and would hurl it down to anarchy and chaos, because they can discover a single speck of darkness upon the sun's disc. They are objects of deep commiseration and pity, and their necessities demand the interposition of a more elevated philanthropy than their own. True conventional freedom, under a government of Constitutional Law, is unsuited to their natures. Designed for some other sphere, but transferred to a land of rational liberty by some mysterious dispensation of Providence, like the sea-shell, which murmurs ever of the ocean and the storm, these political Cassandra's are filled with evil auguries, and unite their voices with the croaking despotisms of earth, in denunciation of the land which feeds, shelters, and protects them. Blind like Samson, they regard all the friends of constitutional liberty and law as Philistines, and would feign pull down the pillars of the temple of liberty, that all

might perish together. But a generous and patriotic people will cherish, uphold, and protect it from their puny parricidal hands, and will protect too these same graceless and degenerate children from their own worst enemies—THEMSELVES.

In the commencement of our history as a people, we saw a frail bark launched upon a tossed and troubled ocean, to cruise in the cause of freedom as an untried experiment. How many perils has that devoted vessel escaped between the Scylla and Charybdis which threatened her pathway! How many vicissitudes has she endured! How many battles of blood has her patriotic crew sustained against the navies of the world! How many prayers have been offered up for her safety and deliverance! What precious interests were confided to her keeping; what priceless treasures committed to her care! And Oh! to see her now, when she has out-riden every storm, and vanquished every foe, with her sails full set, her ensigns streaming, and her joyous crew all buoyant with hope, deep-freighted with the destinies of mankind, and riding lightly before a prosperous breeze—who will not bid her God-speed upon her errand of mercy? Who will not hail her with gladness and thanksgiving, and, in the language of poetic invocation, exclaim:

“Sail forth into the sea, O ship!
Through wind and waves right onward steer,
/ The moistened eye, the trembling lip,
Are not the signs of doubt or fear. /

* * * * *

In spite of rack and tempests' roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea,
Our hearts, our hopes are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee—are all with thee!”

SPEECH

DELIVERED AT A DEMOCRATIC RATIFICATION MEETING, HELD
AT ROCHESTER, N. Y., OCTOBER 6, 1853.

[It will be sufficient explanation of this speech to state, that, at the Democratic State Convention held recently before its delivery, the "Free Soilers" and the Democrats proper, after a union of some form and fashion since 1849, again divided, held separate conventions, and made nominations independently of each other. A contest in regard to this convention first took place throughout the State over the election of delegates. The organization of the convention, on its assembling, was then sharply contested, and carried, as was claimed, by the Democrats (the "Softs" acting with the "Free Soilers"), when an opposing organization in the same hall was attempted, and the convention was finally broken up by the violent conduct of a band of rowdies, roughs, bullies, or "short boys," from New York city, alleged to have been brought for the purpose by procurement of some of the "Free Soil" leaders.

In the party nomenclature of the day, the "Free Soilers" were those who went off from the Democratic party in 1847-8. Their distinctive creed was the Wilmot Proviso, and they styled themselves "Free" or "Radical Democrats." The "Softs" or "Soft-shelled Democrats" were those who, after the secession, were anxious to bring about a re-union, particularly upon candidates. The "Hards," "Hard-shelled Democrats," "Adamantines," or, as they called themselves, "National Democrats," regarded the "Free Soilers" as deserters, and opposed any union with them except upon the basis of the creed of the party as adopted in its national conventions.]

MR. PRESIDENT AND FELLOW DEMOCRATS: To the enlightened, progressive policy of the Democratic party is the country indebted for its present eminent position among the nations of the earth, and for its domestic happiness and repose. This policy, under the teachings and guidance of a Jefferson and a Jackson, extended our boundaries by the acquisition of Louisiana, Florida, Texas, California, and other territories; opened

an asylum for the oppressed of earth, of every clime, by a liberal system of naturalization, and gave the death blow to monopoly and privilege in the shape of national banks, protective tariffs, and a public debt.

Since the organization of political parties in the United States, the administration of affairs has more than three-fourths of the time reposed in Democratic hands; and the policy of the party is written in every chapter of the country's history, and interwoven with every fibre of its political framework. This policy originated in the loftiest conceptions of statesmanship; it was intended to inculcate in temporal affairs a political New Testament, bringing tidings of freedom and good will to all men. It was founded in the purest principles of well-defined morality, and destined to stand in hereditary antagonism to violence, fraud, and usurpation, through all coming time. Its true votaries would as soon commit a fraud in a commercial transaction as in an election, and as soon resort to violence to extort money as to gain political success.

The practice of these principles attracted the honest masses of the people, who saw in their simplicity justice, equality, and freedom; and they rallied in their support and established the Democratic party upon broad and deep foundations. This party, like all other human organizations, has from time to time suffered by the defection and decay of portions of its members, and been, like other bodies, recruited by fresh supplies from healthy sources; so that it has experienced no permanent detriment from the desertion of the timid, the machinations of the treacherous, or the daggers of the revengeful. Those who, hungering for the flesh-pots of the treasury, or desiring the consequence of place, could not wait to have their merits discovered, but became restive, were permitted to signalize their defection by a desertion to the enemy; and whether the number was large or small, and the deserters of high or humble degree, it was called *defection*; and if afterwards they chose to return, they were sent, like other deserters, to the rear. We then had no "divisions," no political hybrids, and no "harmonizing" by contract.

But in 1847-8, because, as all know, the Democratic party declined to revive the lease of a particular claimant of the highest place of confidence and power in the nation, a defec-

tion the most base, heartless, treacherous, and malignant, took place, having its head and its chief field of operations in this State; and by force of the influence and position which for more than a quarter of a century had been accumulating from favors lavished by the Democratic party, that party was defeated in both the State and the nation; and this defection, because it was so shameful and brazen, was gingerly dignified by many as "*an unfortunate division of the Democratic party.*" The *London Punch* says, when the prince gets intoxicated the papers call it "*elated,*" when a lord gets fuddled they say he was "*elevated,*" but when a farmer, merchant, or mechanic gets so they call him "*drunk.*" So when Democrats of ordinary clay desert their faith and party, it is "*defection;*" but when those who have been both pampered and trusted walk over into the enemy's ranks and play abolition, it is "*division.*" The "free soil" faction organized in 1847, upon the rejection of its "corner-stone," because it was claimed to be of great importance that a canal commissioner should believe in the "proviso," and threw the State government into Whig hands; and in 1848, keeping on foot the same factious organization, it promoted and joined the motley Buffalo convention, defeated General Cass, and gave the national administration also to the Whigs.

In 1849, having glutted its revenge and exhausted its power of mischief, it sought means of gaining re-admission into the Democratic camp. Unfortunately, we had in our ranks a few political mendicants—men wanting principle, and wanting consequence—some of them realizing, doubtless, that the Democratic party had so long bestowed upon them its highest honors that a new dispensation was to be expected,—that new issues and other men were gaining public consideration, and that their "*fogyism*" could no longer count upon a monopoly of official honors and emoluments; others, whose ambition, like stunted Indian corn which ears prematurely, discovered their capacity in advance of the public, and foresaw that their only chance of preferment was through some back-door process; and both of these classes, acting in meretricious concert, entered into an arrangement to betray the true men and true principles of the Democratic party into the hands of the "free soil" traitors of 1848—they christening the base co-

alition as the "union and harmony" of the Democratic party, and receiving as their wages, not thirty pieces of silver, but its equivalent in official rewards; and, in return for "free soil" confidence and support, these self-constituted "harmonious" negotiators were to procure full absolution for "free soil" leaders,—were to aid in striking down such national Democrats as these leaders should designate, and in furtherance of "union and harmony" to induce the Democratic organization to leave its national principles in the background, and speak in its resolutions and address upon national questions, in a language so oracular that it could be read either way.

Such was this most foul conspiracy, as has been abundantly proved by the developments of time; and up to the present moment it has pursued with surpassing hate, all old line Democrats who would not prostitute themselves to the embrace of "free soilism." In an unguarded moment these men—some of them standing high at that time with the Democratic party—aided by others who, in perfect good faith, had been induced to enter upon this unfortunate experiment, procured the call of two conventions—one of the Democrats, and the other of the "free-soilers"—to be held at Rome, in August, 1849, for the purpose, as was openly admitted, of uniting organizations and dividing offices. I had the honor of attending as a delegate to the former, with the determination and for the purpose, on my own part, and in accordance with the desire of those who sent me, to prevent all spoils-seeking coalitions, and any union of organizations, except upon the single ground of a union in sentiment. The humiliating farce was performed—prominent Democrats, who had long enjoyed the confidence of the party, were there urging on a coalition, which they termed a "union," and, as subsequent developments have shown, urged it at the expense of the Democratic party, for their own personal advantage: and although I had not the full sympathy of a majority of the convention to which I was a delegate, and although in furtherance of its object it passed resolutions to which I was opposed, and against which I voted, yet the organizations were not united; and I have at all times believed, with much pride and gratification, that I exercised my full share of influence in preventing, for that time, the consummation of a most beastly coalition.

But the humiliation was only postponed, to be consummated a few days later at Syracuse, by a convention held there, under circumstances, if possible, more discreditable than had been proposed at Rome. At this convention the Democrats passed resolutions which they call national, and, after placing in nomination a full ticket, resolved that the "free soil" convention, which was about to sit at Utica, might *strike from the Democratic ticket one half the names, and supply their places with "free soil" candidates, and thus form a "united" and "harmonious" ticket!* The Utica "free soil" convention met, and "harmoniously" displaced half the names from the Democratic ticket, and supplied their places with an equal number of "free soil" candidates; passed a set of resolutions which were out-and-out in their abolitionism, and thus the very antipodes in sentiments, with no object in common, except office and power, were connected—not united; and this is the "*union of the party*"—heaven save the mark!—over which so many peans have been chanted by consecrated *organs*, and to the high priest of which the smoke of so much incense has ascended.

That many entered upon the experiment in the most perfect honesty and good faith, believing it to have originated in pure motives and to be susceptible of favorable results, I have never doubted; but I opposed it from the beginning, as long as opposition could avail, and then acquiesced under protest, and patiently awaited the moment when it would be overthrown by its inherent elements of destruction. That time, thank heaven, has transpired, and the day on which it had development should be celebrated hereafter, not only by Democrats, but by all honest men, as a day when the Democratic party was emancipated from a vassalage ten times more abject than the worst form of negro servitude. And now that it is gone, I may be permitted to hope, if the party is to be governed by contract, instead of opinion, hereafter, that we pay off the free-soilers for their services as farmers pay who take sheep—a pound of wool a head.

All Democrats who distrusted the healing influences of this puissant "union" were denounced as being opposed to what was drawled out in appropriate whine as "*the union and harmony of the party*;" and I have been denounced both by

the coalition at home and its apologists abroad, as being opposed to a "Democratic union." If by that is meant that I have been and am opposed to all hollow and heartless bargains for the spoils, under any and every guise—to all banding together of Democrats, "free-soilers" and political hucksters, to hunt together like wolves for prey, that they may wrangle over its division afterwards—then I am opposed to it. But if it is intended to say or mean that I am opposed to a cordial and healthy union of the Democratic masses, upon the pure and sublime principles of the party, making doctrines the primary object of its pursuit and office an incident,—the charge is unfounded.

Perhaps no better evidence of bad faith on the part of the coalition "harmonists" could well be exhibited than the continued disregard of truth and fairness which they have at all times exhibited, and still exhibit to every true Democrat who has uniformly refused to bow the knee to their "free-soil" coalition Baal. Although from the first dawn of the sectional agitation upon the slavery question it was well known that, as a Senator in Congress, I spoke and voted against "free-soil" abolitionism in every form, and upon every occasion; and although for this I was hunted down in every lane of life,—pursued by their minions and vile presses, with the ferocity of evil beasts,—their papers sent into my house to wound the feelings of unoffending women and children, laden with every epithet in the catalogue of Billingsgate,—subjected to every calumny which depravity could invent—threatened with violence and pursued to the retirement of my own fireside because I resisted their hypocritical crusade against the Southern States; yet since the doctrines which I advocated, and for which I was persecuted, have become popular, and been accepted by the great majority of the American people, it has suited the purposes of this same faction and its aiders and abettors, before the disruption at Syracuse, too, and while I was in the quiet prosecution of my private pursuits, to attempt to show that I once accorded with them in free-soil sentiments; and they forthwith employed scavengers, who, scissors in hand, entered upon the manufacture of evidence, knowing its falsity, from speeches, which, at the time they were made, caused them to open upon me all the flood-gates of

"abolition" bitterness and "free-soil" malignity. That envious miscreant, Haman, could not enjoy the honors which awaited him because he saw Mordecai, the Jew, sitting at the King's gate; but these zealous harmonists, more vindictive still, could not see me peaceably sitting at my own.

I refer to these things not because they are matters of annoyance to me, but as a part of the history of the times; as is my right and duty. I refer to them as matters of history, merely to confound the falsehoods of the guilty. Who does not remember that day when the country was arrayed in sectional conflict, in all but in the conflict of arms—when lightnings flashed—when thunder roared, and the storm descended in dark and fearful density;—when our fabric trembled to its foundations, and its battlements rocked with domestic convulsion? Who then, associated with fugitive slaves and renegade politicians, stimulated on this accursed and fiendish spirit and cried out disunion!—and who bared his head to the "pitiless peltings" of the storm—when the fanatic gnashed his teeth, the hypocrite groaned, the demagogue blustered, when the bad persecuted and reviled, the good trembled, the timid fled, and even friends, like the Priest and Levite, passed by on the other side? Let these questions be answered, and let faction too remember, that it is yet quite too early to enter upon the falsification of this chapter in our history.

* * * * *

No good ever came of this most unfortunate coalition. It filled our State halls with "harmonious" conflict—with crimination and recrimination—our Legislature with plots, conspiracies, persecutions and political jobbery. It has left not one single train of utility behind it, but its dark and devious pathway is strewn with exhibitions of conflict, malice and ill-will, and a train of dishonorable remembrances and demoralizing influences, which a generation cannot obliterate. The honest masses, who in 1848 were misled by traitorous leaders, would long since have rallied to the national Democratic standard, but for the coalition which placed fidelity and treachery upon a par. Those who have not already done so, will now speedily return to their early and cherished faith, with an experience which will enable them to persevere to the end. We shall be relieved of a few dilapidated leaders, who went out for "wool and came home

shorn," if they do come home ; but the chances, fortunately, are that, having gone to huxter with Abolitionists, like fur traders, who first go out to traffic with the Indians, find themselves in the *pappoose* business before they are aware of it, and finally remain and marry among them, and raise up a generation of half-breeds. They will be unexpectedly detained like the soldier on a battle-field, who, when the armies came into conflict, rushed into the enemy's ranks, and seizing his man, cried out, "Captain, captain, I have taken a prisoner." "Well, bring him along," said the captain. "I can't," was the reply. "Well, then, come back yourself." "I can't get away—the prisoner won't let me go," said he.

The assembling of the late Democratic Convention at Syracuse, if the pathway to it had not been for the last five years paved by "*free soil*" which no Democrat could safely travel, and for the last two or three years *softened* by broken pledges, and repaired only by renewed coalitions, furnishes abundant evidence that the Democratic party could no longer, with either safety or honor, tolerate the connection. It cannot be denied with a semblance of truth that the national Democrats there had a majority of the delegates. The Hon. M. C. Story, chairman of the State Committee, called the Convention to order, as it was both his privilege and duty to do. He nominated Ira P. Barnes for chairman—put the question to vote, and upon the vote declared it carried. There was no appeal from his decision to that of the Convention, and Mr. Barnes therefore stood as chairman. Nor does it change the fact that another individual, not even a *member* of the State Committee, subsequently nominated, and amid yells from a gang of ruffians, declared another person elected. Mr. Barnes was still the duly elected chairman of the Convention. But the Convention could not transact its business with either decorum or safety. In addition to a numerous corps of public officers, State and national, with the bribery of office and the threats of expulsion, there were there, by free-soil procurement to take part in the proceedings of the Convention, the spawn of a general jail delivery from the city of New York, the black vomit of the Tombs and Blackwell's Island ;—the hare-lips, slitted ears, broken noses, blear eyes (and, on an average, only about two whole ones to three men) ;—creatures ragged as Lazarus, murderous as Cain, depraved as the

hardened thief, mottled with disease, foul with stench, creeping with vermin, shaggy with drunken ferocity, and armed with the implements of their trade, slung-shot and bowie-knives—they were there under the control of public officers to force respectable Democrats and peaceful citizens into “harmonious” concert, with those who brought them there! The result is known,—the base ligament was severed forever; and I glory more in this one act of the Democratic party of this State, than in every other act which has characterized its recent domestic policy.

Those out of the State who have quite too officiously censured the Democratic party for its refusal to continue a humiliating and degrading coalition, inquire with much complacency, why the Democrats cannot sustain an association which has had a few years existence, and especially since the free-soil wing have adopted a national platform? It is a homely though significant proverb that he who has a refractory wife understands how to manage the difficulty better than any of his neighbors; and it is not improbable that those who generously received back a treacherous faction, under the promise and hope of reformation, and, after five years' painful experience, find its virulence as great as ever—its war upon the faithful men and just principles of the party as vindictive as in 1848; and finally, that in its desperation to control public affairs, after repeated acts of violence, it has madly resorted to the employment of common felons with murderous weapons, and introduced them into a deliberative convention in the face of day,—are as good judges of their own rights and their own dignity and of the true interests of the Democratic party withal, as those who are looking upon us through a jaundiced medium from abroad.

The adoption of a national platform by this faction should deceive no one. The evil-one adopts the Gospel platform whenever it suits his purpose, and becomes an angel of light whenever *he* can turn it to advantage. They found it necessary to their purposes, and having no impertinent scruples of conscience as a *body*, bolted it down forthwith; but the managing spirits either openly dissented from it or evaded it, *not having had time to read it*. The Surveyor of the Port of New York, a conspicuous free-soiler, who up to a very recent moment had strenuously resisted national sentiments, seized an early opportunity

in the Convention to declare that he was authorized (by whom it did not appear) to say, that all who did not come up to a national platform, including the fugitive slave law, would not be recognized as Democrats.

After this declaration, it is not surprising to any one who has understood the sincerity of this forlorn hope—sincere in nothing but the pursuit of spoils—that they should have adopted a national platform, fugitive slave law and all; although a few weeks before some of them had pronounced the doctrines of the President's Inaugural "damnable," and others fled from resolutions introduced into the assembly, simply endorsing it in the President's own language, as Lot fled from the approach of fire and brimstone. But when told the spoils could only be procured by endorsing such sentiments, they would have swallowed the fugitive slave law platform, with the fugitives on it, if required. They would have taken all this down, and then have sworn to their belief in the divinity of Jemima Wilkinson and Joe Smith. So far from this somersault having made their association more acceptable than before, it is the reverse; as all know, from the history of the actors past and present—the conduct of their leaders and the tone of their presses—that the adoption of this platform was a cheat and a fraud, and adds this to their former catalogue of sins. Their sympathy with such a declaration of principles is about as deep as that of the London editor who published an obituary notice. A friend of the deceased calling to pay for it, on inquiring the amount of the charge, was told five shillings. "But," said the gentleman, "you published one for another friend, a few days since, as long as this, and charged him only three shillings." "Ah," said the publisher, "that was a case where we merely said, *we regret* to announce, &c.; this is a case where we said, *we sincerely regret*," &c. And these harmonists will increase their *sincere* protestation in proportion to the spoils in expectation. Let those who choose to be gulled by an empty, paper, spoils-hunting declaration, justified by no antecedents, but contradicted by all—repudiated by their own presses, and disowned or evaded by their most conspicuous leaders, do so; but the masses of honest men who have seen and known the whole history of the matter, will not be deceived by it. Their platform, like the Irishman's pigeons, is on paper, and on paper only.

Such was the coalition of 1849, and such have been its fruits—such its rise, progress, decline, and fall, never to rise again. And while political hucksters may well clothe themselves in garbs as sable as their associations, every true Democrat may cry out with the plebeians on the death of Cæsar—"Liberty! Freedom!—tyranny is dead!—run hence!—proclaim!—cry it about the streets!" The old financial issues have ceased to exist—the bank is asked for by no one, and the excellence of the independent treasury is admitted by all—the tariff and internal improvement are more local than general; but the great absorbing question, the integrity of our national Union, upon which the last presidential question was decided, has in the intensity of public interest overshadowed all others, and is, and for years to come will be, the great controlling issue of the times. It becomes every Democrat and every patriot, of whatsoever party, to stand by this issue, for the end is not yet.

Equally faithless and unsound in State and national policy have been and are the coalitionists from whose associations we are relieved. The great canal policy, the pride and glory of this State, which, by the aid of a Clinton's genius, was made ours, was yet in infancy, and it became the policy of the people of this State to enlarge it so as to meet the necessary demands of trade not by a tax upon the land and labor of our citizens, but by constitutionally anticipating the tolls so as to defray the cost from the tonnage of the west. A majority of the candidates for State offices were found as ready to make pledges as to disregard them afterwards. A candidate for Governor, for the first time in the history of the State, went upon the stump in his own behalf, and gave assurances of his friendship for the measure; but both himself and the State officers resisted to the utmost of their influence, personal and official, and by every species of management, the demands and expectations of the people, and it was only by the energy of a Cooley, Bristol, Vanderbilt, and their associates, that the measure was carried proposing to enlarge the canal speedily, by Constitutional amendment, and without taxation. To resist this measure, all Democrats were denounced as Whigs who favored this "breaking of the Constitution and violation of that sacred instrument," and the coalition forces in both Houses resisted it to the last gasp, but were finally overborne by the true friends of the enlarge-

ment, and the amendments were carried; and now, forsooth, they claim not only to be, but to have been, the especial friends of this particular enlargement policy, with an assurance that shows they have become insensible to shame.

The "short boy" experiment of harmonizing Democrats into compliance having failed, it is now asserted by their drill sergeants that all officers upon the canals who do not submit to the softening process are to be forthwith decapitated. A political Millerite in Oneida, too, has had a revelation, and prophesied the removal, by the President, of Collector Bronson and District Attorney O'Connor for their manly sentiments upon "short boy" morality, and fixed on Wednesday, the 5th, already passed, for the accomplishment of his prediction. I can answer all these petty and officious threats as an old gentleman from Cape Cod, in the Massachusetts Legislature, did the glowing speech of a youthful Federal member from Boston, upon the power of Great Britain, about the time of the war with that nation. The member having enlarged upon her naval and military strength, and shown with great eloquence and power how she would burn our towns, destroy our commerce, defeat our army and navy, and desolate our country, was overthrown and laughed out of countenance by the country member's speech, which was as follows: "Mr. Speaker, Mr. Speaker, *who's afeard?*"

But we are charged by "free-soilers" and petty officials with opposing the national administration. Fine subjects to defend an administration which came into power in spite of their pernicious doctrines! We are the supporters and upholders of the administration, not by base toadying for the spoils of office—but by supporting the great principles upon which the President came into power, and to which he stands committed before the world in his inaugural. The doctrines are not only his but ours, and the doctrines of the Democratic party, and this support is not the newborn zeal of yesterday or to-day but the settled principle of our lives.

It is high time, as Mrs. Candle would say, when State officers play the dictator, to inquire whether they control the people, or the people them. I supposed they were creatures and not creators of the people. When William Penn was Governor of Pennsylvania, having occasion to transact some business in the interior of the colony, he went in company with a

brother Quaker, and in their travels met with a justice of the peace, who, not knowing them, nor receiving from them as much deference as he thought his dignity required, said, "I presume you don't know who I am. I am justice of the peace, commissioned by the Governor." "Oh yes," said the Quaker, "we know thee; Friend William makes *such things* as thou art." If they suppose they can coerce the sentiment of a free people by the puny threats of a few removals from office, they will live long enough to see what contempt, derision, and scorn such threats, whether put in execution or not, will receive from those who fear them as little as they regard them. Because the people propose to discharge these faithless servants, they are going to be revenged by turning out the people. Like the Bashaw of Tripoli, who, when his town was blockaded by one of our frigates, said he was shortly to have a frigate of his own, and then, unless this blockade was immediately withdrawn, he intended to *blockade America!*

The day of littleness, coalitions, and broken pledges is over. The Democratic party, purified as by fire, is upon its ancient footing, with candidates, one and all, who have been true and faithful to the Constitution in moments of fearful national excitement, and faithful to the great interests of this State when imperilled by enemies open and disguised. It is, my friends, a new and promising era in the affairs of the Democratic party. It can now again meet in convention without associating with ruffian violence—it can speak out its sentiments without sugaring them over to suit the taste of free-soil squeamishness, or to inquire who among its members can be tempted to sell out for "free-soil" favors. It can enjoy its self-respect and challenge the respect of all honest men; it can spurn the associations and defy the power of all the votaries of coalition; it can inscribe *excelsior* upon its banner; it can appeal to the integrity of the masses and rally them around its standard as in the palmiest days of Jefferson and Jackson, until, glorying in its success, the people with one accord shall exclaim:

"Bound in its ADAMANTINE chain,
The *softs* are taught to taste of pain,
And 'free-soil' tyrants vainly groan,
With pangs before unfelt, unpitied and unknown."

ADDRESS

TO THE JURY IN THE CASE OF THE UNITED STATES *vs.* JAMES
COLLIER, LATE COLLECTOR AT SAN FRANCISCO, CALIFORNIA.

DELIVERED AT NEW YORK, May 2, 1854.

[Reported by EDWARD F. UNDERHILL, of the N. Y. Daily Times.]

[This case was tried in the District Court of the Southern District of New York, before Hon. Samuel R. Betts, sitting as Circuit Judge, and a Jury;—Hon. Charles O'Connor, U. S. District Attorney, appeared for the United States. The circumstances out of which it arose, and the points involved in the controversy, fully appear in the argument. Notwithstanding the very large amount claimed by the government, the trial resulted in favor of the defendant. The case subsequently went before the Supreme Court of the United States, where it was argued by Attorney-General Black, for the United States, and by Mr. Dickinson for Col. Collier, and the finding below was confirmed.]

TUESDAY MORNING, May 2d.

The Court met pursuant to adjournment.

Hon. Daniel S. Dickinson proceeded on the part of the defendant to address the Jury. He said:

IF THE COURT PLEASE, GENTLEMEN OF THE JURY:—It was declared by the founders of this federal government, in the recital of the instrument by which it was formed, that one of its leading objects was "*to establish justice.*" In its erection that object was accomplished, and justice established upon broad and deep foundations,—tribunals were organized for its administration, and in this conflict between the government and the citizen we only desire that it shall be judged by such principles as it has established for the government of others. The rights of every citizen are dear and sacred, and it is the duty and the business of the sovereign power to cherish and sustain,

and not to persecute, trample upon, and crush; and it boots but little indeed, if the citizen is to be prostrated and ruined, whether it be in a despotism or a democracy, or whether by the application of the knout or the bowstring, or by the slow and consuming process of legalized persecution.

The government, as you will perceive, in the contest with the citizen, in matters of this kind, has great and marked advantages. It cannot be sued. The citizen may have a claim against his government, but he cannot arraign it in a court of justice; he cannot demand before the judicial tribunals that it respond to him in damages and redress his grievances, however great or deep his cause of complaint; but he is compelled to resort to other agencies—its established executive or legislative departments for redress, and await their pleasure. If it has a real claim against the citizen, or, as in this case, a pretended one, it has only to certify its balance, and is its own witness, its own judge, and, I may add, its own executioner; and the citizen, no matter how just or sacred his demand, in answer, is compelled to bring witnesses to establish his defence. When government has, or fancies it has a claim, it has but to say, let it be done, and it is done. One of its own appointees, at his desk, states an account, either true or erroneous, purporting that an agent of the government owes a certain sum of money; and upon that the alleged debtor can be prosecuted and the statement of the account is *prima facie* evidence of its truth. Not only can he be prosecuted upon that statement, and a judgment be recovered, but the statement can be used as evidence in a criminal charge, and the citizen be indicted, thrown into prison, convicted and sent to the penitentiary upon an alleged balance, stated by the government appointee to be due. We do not complain of this, because it is a law extended to all citizens who act as government agents; but we desire that it may be remembered upon what dissimilar terms we meet here for trial. In tracing the history of this controversy, you will see that it is an exhibition on the part of the government which demands both of the court and the jury a rigid restriction upon this broad governmental license. It is a case which calls for our severest criticism upon a rule so alarming, I had almost said so monstrous.

James Collier, the defendant in this case, was appointed

Collector at San Francisco, in the district of Upper California, on the 3d of April, 1849. He forthwith took the oath of office, filed his official bonds, and was ready to enter upon the discharge of his duties. It will be remembered that at that time, although the revenue laws had recently been extended over that distant country, the broad ægis of American law had not been vouchsafed to that people, nor the fabric of social order erected there; that not only the business interests, but the desperate enterprise of the world, the adventurous spirit of the young, the ambition of the middle-aged, and the cupidity of the old, were flocking there for the purpose of partaking of the mineral wealth which had been recently discovered.

Mr. Collier, the defendant here, was not permitted to proceed to California over the customary route, and by the usual mode of travel, but, for the purposes of the government, and not for purposes of his own, he was directed to report himself at Fort Leavenworth, a military station, and thence proceed across the country under an escort, to subserve, I repeat, the purposes of the government, which purposes, when they are fully published to the country, will form a curious, if not an interesting chapter in our political history. He proceeded upon his journey. You have heard of the delays, the perils, the sicknesses, and the varied vicissitudes which beset his footsteps, consuming his time from the month of April, until the month of November, before he reached his destination. He escaped, to be sure, the stings of the adders which lurked in his pathway, the fangs of the wild beasts which prowled around his slumbers, the tomahawks of the savages who were upon his trail; more fortunate than some of his associates, he reached his post, discharged his duties, and returned, having escaped all the dangers of his journey, only to be calumniated in his good name, and have his reputation assailed and lacerated by the government he had served.

On his arrival at San Francisco he reported himself to the government. He tells his story with the eloquence and power of truth, in a letter, which he himself has read to you, written to the Secretary of the Treasury, two days after he reached there. Go with me for a moment and note the condition of things as they existed there, and see how different from affairs at the Atlantic ports. There was no law but the revenue law,

which had recently been extended over the country, and the feeble, sickly, and dying remains of the laws which were left by a conquered people. The statutes were declared by the dirk and the bowie-knife, and Colt's revolvers were the common law. It required a man of high moral and physical courage to execute the revenue laws there, and the government seems to have been most fortunate in the selection of this agent. He entered upon his duties,—duties upon which few would have ventured, and which scarce any other man could have discharged, and which he, with all his intrepidity, manly daring, and heroic nature, would have been unable to execute but for his sons, who accompanied and aided him in the discharge of his arduous services. Bound to him by ties stronger than those of gold—by ties of affection as well as of interest, they rallied around him, stood by him, and sustained when all others forsook him. And at the close of this perilous service, after having brought order out of confusion, and paid into the Treasury a large amount of money, when he returned home he found himself beset by the government he had so faithfully served, and officially held up from one extreme of the country to the other, as a defaulter to the amount of nearly a million of dollars. Some defalcations a few years since aroused the attention of the people, and have given peculiar emphasis and ready currency to the word “defaulter;” and no sooner was this alleged delinquency proclaimed by the government, than it took wings and flew to the uttermost parts of the earth; and although it was contradicted, yet it had been published, and we well know that the contradiction never overtakes the rumor; for, according to the proverb, “Error will encompass the world with falsehood, while Truth is putting on her sandals.”

It was very well with the Treasury Department that James Collier could be published as a defaulter: could be arrested for crime; when eight civil suits were brought against him and his sureties, and he was indicted and seized as a criminal;—it was all well; there was no one on the part of the government to complain; but when, brought into Court, he seeks to vindicate himself from these aspersions, and to show that the balances are in his favor, then the learned counsel opposed to us, acting under the instructions of the Treasury Department, “does not wish a case for the newspapers.” Nor do we; but

after procuring this defendant to be published as a defaulter in every newspaper in the land, from the copious dailies of the cities to the blue 7 by 9 sheets beyond the mountains, when our time to publish an authentic account arrives, they hate a newspaper as the devil hates holy water. After the causeless and cruel wrong visited upon the defendant, they dislike to see him justified before the public, even upon the most unquestionable evidence, lest, perchance, the vindication shall be published. We have prepared and proved our cause for the consideration of this court and jury, and upon our proof we expect your verdict. We have addressed no other tribunal. We glory in the day which enables us to meet face to face, and confront our opponents, so far as we can face a government, and contest the question whether James Collier is a defaulter, or whether the government is indebted to him.

You have seen the vast difficulties under which the defendant performed his official duties, and I believe you will see with me, and with every good citizen, that if there was ever a case where a faithful public officer was entitled to the thanks of those he had served, it is this. But so far from regarding his conduct with anything like generous liberality or common justice, it has seemed to us that he was set up as a mark, and has been pursued from that time to the present moment, in a spirit of persecution as unjust as it is active, keen, and unyielding.

Various questions arise for consideration, which will be noticed in their order; and if his Honor please, I will discuss these questions of law and fact, so closely connected, together; intending the legal arguments entirely for the Court. They are so interwoven, that it would be difficult to separate them in an argument upon the whole case.

And first. What was to be the defendant's compensation? What was he entitled by law to receive? As I proceed, I shall have occasion to give not only our own views of the case in this respect, but also those the government officers themselves entertained in relation to it. He was appointed under an act of the 3d March, 1849, by which the revenue laws were extended over the district of Upper California. No other laws had been extended there. It was provided that the Collector of the District should be allowed "a compensation of \$1,500 per annum, and the fees and commissions allowed by

law." That comprises the whole question. He was to be entitled to "a salary of \$1,500 per annum, and the fees and commissions allowed by law." And this compensation is all that he ever claimed, and is all that he claims now. What did the expression "fees and commissions allowed by law," mean? We know what was intended by the salary of \$1,500, and the language "fees and commissions allowed by law" was no more difficult of interpretation. The acts of 1793 and 1799, the Collection and Coasting Acts, fixed and provided what they were. The law has never been repealed, nor essentially altered or amended. It is as well understood what, by law, "fees and commissions" are, as it is what currency has been established by the constitution and laws; and when it is said, that he shall have the "fees and commissions," it is as well understood, in legal and legislative parlance, as is the fact that one hundred cents will make a dollar, when it is said he shall receive a salary of \$1,500.

The Treasury Department has taken various views of this question, and so various that they are sufficiently amusing to demand a rehearsal. We will see what they said of the case, as the first exhibition of their legal profundity, and what they then held was to be his compensation. He was, in the first place, instructed by the Secretary of the Treasury, at the time he was about to depart for San Francisco, to enter upon his office, in an official letter, what his duties would be; and he was favored by that officer with information on various topics beyond the scope of official relations. In this letter, among other things, fees and commissions are spoken of. The Acts of 1793 and 1799 are cited, and the Secretary adds, "you will be entitled by law to a compensation of three thousand dollars." This information conveyed by the Secretary of the Treasury, though doubtless well intended, was somewhat officiously erroneous, as he subsequently said by fixing a different rate, and as his successors have said by their practice from that time to the present. Thus in April, 1849, on giving him instructions, among other volunteer information, he was advised that he would be entitled to a compensation of three thousand dollars per annum, commencing with the time when he took the oath and filed his bond, and that time, you will remember, was on the third of April, 1849. Now, the Secretary

of the Treasury, the head of the Treasury Department, with which we are dealing (and which I intend to treat as a Department of the government, and not to try the personal merits of the very numerous and respectable gentlemen who have since 1849 held the office), after advising Mr. Collier that he would be entitled to a salary of \$3,000, commencing in April, 1849, in reviewing his account prior to March, 1853, allowed him a salary at the rate of \$1,500 per annum only, commencing the 12th of November, 1849, the date of his taking possession of the office at San Francisco, one half the amount first stated, and commencing upwards of seven months after the time first fixed.

In the letter of the Commissioner of Customs, another high Treasury officer, to the defendant, dated Nov. 26th, 1851, he says, that whenever the defendant renders an account of his emoluments, the subject of compensation will be *liberally treated*! The Treasury authorities were then about to be not merely just, but liberal and generous. Would to God they had so continued; but all things below the sun are transitory and fleeting, and especially the views of the Treasury Department, as we shall have occasion to show. Well, after they had concluded to be liberal, to cut loose from the statutes altogether, though they possessed no more authority to make laws than you have, being themselves creatures of statutory creation, with only power to administer the laws of Congress, they changed again with the season, and stated still another rate of compensation.

In a statement of the 7th of March, 1853, the Commissioner of Customs, in rejecting the defendant's charges for commissions, says, "they are *disallowed*—when the late Collector shall have rendered, as required by the 12th section of the Act of 7th May, 1822, and called for by the Commissioner of Customs, a statement of account of his official fees, the sum of \$6,000 per annum, the maximum fixed by the Act of 3d March, 1851, will be allowed out of said *fees and commissions*." Here they had become liberal, indeed; but they had found another statute under which they ascertained his compensation. When he should render an account of his fees and commissions \$6,000 would be allowed him. Now, I submit if he was entitled to a compensation of \$6,000 per annum, he was entitled to

it whether returning an account of his fees or not, as required by the Department. They claimed that the compensation was fixed by the Act of the 2d March, 1851, and, if so, the defendant was entitled to it absolutely, and did not forfeit it by a neglect to make the required return. The Department, if right, might perhaps seek redress by action for a penalty, but have no right upon their own showing to curtail his compensation as settled by law. In fixing the date of the act, they however made a mistake of ten years, it being an act of 1841 instead of 1851—a very slight one, indeed, for the Treasury Department, as we shall see in examining its magnificent system of book-keeping.

The next account made up at the Treasury Department is that of 3d September, 1853. The Commissioner of Customs then credited for maximum compensation, by order of the Secretary of the Treasury, at the rate of \$3,000 per annum from the 3d of April, 1849, to 13th February, 1850, over and beyond the amount previously credited, and for increased salary under the act of September 28th, 1850, at the rate of \$10,000 per annum. The act of the 28th of September was that which divided the State into six collection districts, after California had been admitted into the Union, and fixed the salary of the Collector of the district of San Francisco at \$10,000 per annum, whoever he might be. It was not this defendant, because, though he was nominated for the office, under the clamors which had been falsely raised against him he was rejected.

Here are all these phases which the Treasury Department has taken upon the question of compensation—the various shapes, mutations, and contortions into which it has been forced; not one statement right, and no two alike—changing as often from one point to another as the pen is put to paper upon the subject, and that quite often indeed.

We have now reached the question whether we are entitled to commissions. I have said that the term, “fees and commissions allowed by law,” was understood, and that Congress knew full well what was intended when it referred to fees and commissions. We will take the legislation of Congress since the acts of 1793 and 1799, and see how it has regarded and treated the subject of fees and commissions. Various collec-

tion districts have been established since that time, and almost every kind of provision has been made in relation to allowing compensation by way of fees and commissions. I shall trouble the Court and jury for a moment while I cite some of these various statutes, to show what the legislation has been upon the subject of the compensation of Collectors, and the history of fees and commissions.

[Mr. Dickinson here read from Gordon's Digest, edition of 1850, the several acts organizing numerous collection districts, &c.]

Now, here we have a long history of legislation, commencing in 1808 and coming down to 1849, and even subsequent to that period, if we chose to pursue the subject further, tending to show that Congress has always legislated specially upon this subject, and said what it intended. We have not only this, but we know the condition of California at that time, and it is fair to presume that Congress did not send out this defendant to collect the revenue in that country, under the circumstances, for \$1,500 per annum, while from the evidence it appears that was the lowest price for which the services of a cook could be secured. Nor did it send him out for a maximum compensation of \$3,000, because no one could live upon that sum; nor for a maximum of \$6,000, either; but we have a right to presume that Congress, in fixing this compensation, took into consideration all the facts and circumstances connected, belonging to the subject. It had regard to the country as it was, unsubdued, unorganized, beset with danger and difficulties; with every article of provision and the wages of labor tenfold more expensive than here; and if we were to speculate, we should say it designed to provide the means adequate to enable him to collect the revenue. And we complain that after this provision was made by Congress, and this great amount of revenue had been collected and brought into the treasury of the United States by this defendant, that the Treasury Department should require him to furnish his whole tale of brick, and seek to deprive him of the straw necessary for their construction. The Treasury seeks to cut down the Collector's compensation to the compensation given at the Atlantic ports, which Congress could not have intended, and which if it had intended, knowing the circumstances, it would have

been regarded as a body of madmen. The act does not say it shall be given for salary. It says, "he shall be given a salary of \$1,500," and what further? "and the fees and commissions allowed by law." In every other case, and where Congress designed to limit the compensation, it has done so, as you will remember, in specific terms. In some cases it has allowed commissions and fees only; in others, fees and commissions and a salary; sometimes a salary with neither fees nor commissions. Where it intended there should be a maximum allowance, it has said so. But in no other case has it said his compensation shall be \$1,500 salary and the fees and commissions allowed by law. There is but one law that fixes the fees. Suppose the statutes had said the fees and commissions under the acts of 1793 and 1799, would any one have doubted that it intended the fees and commissions thus fixed? There would have been no pretence that it was anything else, but that he was entitled to the fees and commissions specified there, and not half, nor a quarter, nor three quarters of the fees and commissions. Suppose the act had said that he should be entitled to *all* the fees allowed by law; it would not have strengthened the case, nor have changed, in the least, the legal import of the language.

But we are to be told here that the acts commencing in 1822, and ending in 1841, limit the amount and provide a maximum rate of compensation, and that this Collector's was limited accordingly. I deny that it has any application here, whatever. These statutes do not embrace this special subsequent legislation, as Congress has repeatedly shown in the most significant manner, by travelling over the whole ground, and exhibiting its sense of construction in every phase possible. It has shown that those acts limiting compensation do not apply. It has given its own construction, and made its own application. Wherever it has sought to restrict, it has restricted in terms, and not by far-fetched implications. Remember that here was a great experiment about to be tried, and that of itself is a great fact in the case. Here was a country recently brought within the limits of the United States, not yet organized, without a government of any kind. Here was a collector going out upon a coast where it was expected that vessels from every part of the world would trade. It was known that

it would be a great commercial entrepot; and it was intended, for such time as it should remain in this unorganized condition, to give this unusual compensation. The legislation was but temporary. It was seen that the great influx of population there would soon make it a State of the Union; that it would then require further legislation; that that wide expanse of country, with its numerous ports, would require to be divided into several districts, and it was, within one year, so divided into six districts. This hasty legislation, organizing the one district, was intended to be temporary, to give this compensation in this great experiment of attempting, for the first time, to collect the revenue on the Pacific.

In determining this question, we have a right to regard the history of these times; to look too at the construction the Department gave it themselves, or attempted to give, for they adopted every kind, as I have already shown, except the true one; not examining it with that care and attention which becomes a leading department, and especially one so exacting; and hastily expressing opinions with regard to it, that were based upon no sound principles, and no just construction of the statute. But, it is worthy of remark, that amidst all their shifts, they never charged the defendant, in any of the numerous accounts they fabricated, with the fees, until the account of September 22, 1853, and here they make an allowance too, which was never before made (for increased salary, &c.), and never claimed by the defendant.

Now, we humbly submit that we are entitled to just what we have charged, contended for, and insisted upon; a salary of \$1,500, and "the fees and commissions allowed by law." It was known to us, to the country, and to the Department, what was the state of things at San Francisco. The department was, besides, early officially advised upon the subject, and it is said, as an apology for the numerous shapes taken at the Treasury, that Congress took off the restriction upon salaries in California, February 14, 1850, and that, therefore, we were entitled to increased compensation. Congress did pass a joint resolution suspending the restrictions *on salaries* in California, under the following circumstances: On the 3d of March, 1849, an act was passed limiting the expense of collecting the revenue to \$1,600,000. It was decided by the

Treasury Department that it took effect from the first of January, 1850, and it was insisted that it was too restrictive. Gen. Taylor, the then President, made immediate legislation upon the subject the occasion of a special recommendation to Congress, and the Treasury Department applied to have a relaxation of that restriction, and, by a joint resolution of February 14th, certain further provisions were made, and in addition to specific appropriations, for the collection of the revenues, all restrictions upon *salaries* in California and Oregon were removed, until the further action of Congress—upon “salaries,” and not upon the receipt of fees and commissions. This resolution was clearly designed to reach the employees, deputies, and under officers of the Collector’s Department, for it would have been of very little advantage to the Collector, indeed, to have had the restriction upon his salary removed, which formed so inconsiderable an item of his compensation. The removal of the restriction, we submit, had no relation to the compensation of the Collector; if it had, it had the effect to increase his salary; it gave him no compensation in fees and commissions, and, by crediting him with both a portion of the time, the department so far adopted our construction of the law.

The Collector has charged but one compensation from the beginning, and that was his salary of \$1,500, and “the fees and commissions allowed by law.” They say he has not returned his fees. He says he was under no obligation to return them, for they formed a portion of his compensation. His salary formed so small a part of his compensation that it could scarcely be taken into the account where the necessities and conveniences of life ranged at so high a figure. The fees were his own, and he was not bound to return, much less to account for them. The amount of commissions could be easily ascertained, because they were computed upon the amount of monies received by the Collector as duties, and such amount of duties was returned quarterly; but the account of fees, the government had no interest in receiving, except for the mere purpose of ascertaining the operations of the Treasury Department. It is unnecessary to discuss that question now, because whether we are or are not entitled to the fees, our neglect to make returns gives them no new rights here. If we are

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bound to return an account of the fees, they must seek their remedy against us for delinquency in not making such return, and when they put that in issue we shall be ready to answer. The only question here is, were we entitled to these fees as a part of our compensation? I have already argued, insisting from the statute creating the office, from analogy and the history of legislation, that we were.

It is unnecessary, gentlemen, that I should either fatigue you or myself, or consume the time of this honorable court, in threading all the intricacies of this question of fees and commissions. In short, this theme has so much element in it tending to fortify my positions, that I can expect to do but little more than to present the most plain and obvious evidences, and leave the ten thousand clustering considerations, that might be brought to bear upon it, to your good sense and judgment in making up your verdict. I have already shown you that the Treasury Department was in most lamentable confusion upon this subject of compensation; that they started gratuitously, advising that we should have a compensation of \$3,000 per annum, and that to commence on 3d April, 1849; that the first time they made up their accounts they allowed us but \$1,500, from November 12, 1849, instead of April 3d; that they then promised to be liberal with us, as if we were mendicants before the Treasury Department, and craving its charity for the compensation which the law had given, and the Collector had most dearly earned. No, may God help him whom abject necessity requires to look to the charity of the Treasury Department for its liberality. When they disallowed his charge for commissions, they simply said it was disallowed; but that when he should return a statement of his fees, they would allow him at the rate of \$6,000 per annum. When they made up the account of September 22d, upon this subject, the Commissioner credited him with \$3,000 as the maximum compensation to be allowed from 3d April, 1849, to February 14, 1850, having forgotten he promised to make it \$6,000, which amount he was entitled to under all circumstances, if under any. But they came down to \$3,000 at *that* date, in addition to the amount before credited, and allowed additional salary, at the rate of \$10,000 per annum, under the act of 28th September, 1850, which divided the State of California into six collection districts. By that act the sum

of \$10,000 was fixed as the salary of the Collector of the *district of San Francisco*, that sum including the entire compensation. But there were five other Collectors in the other districts of the State, to help perform the duties, while Mr. Collier was the Collector of the whole six districts in one, comprising the then district of Upper California. The new Collector had, too, a naval officer, appraisers, and all the aids and assistants Collectors have at the Atlantic ports. But the Treasury Department, in fixing Mr. Collier's compensation after the act of 28th September, 1850, credits him at the rate of \$10,000 to the time of leaving his office. He had never charged or sought any such compensation, but claimed his salary at the rate of the original bargain that he made with them, the government proposing and he accepting. No new or other arrangement was consented to by him, and according to the adage "it takes two to make a bargain," and that bargain was a salary of \$1,500 per annum, and "the fees and commissions allowed by law." They not only credit him with the salary at the rate of \$10,000 per annum, after September 28th, 1850, but to show the absurdity of their views, credit him with fees and commissions, as they term it, from February 14th, 1850, to September 28th, 1850. This amount they had never credited before, and they call it, in the credit, fees "per contra," amounting to \$29,105 06. They had the means of knowing what those fees were substantially. They had the returns of his successor, Mr. King, and of the five other districts, before them in the Department, which we have produced here in court, which returns showed that the fees in the whole of the six collection districts of California amounted to only \$1,600 per month. Young Mr. Collier, the cashier, through whose hands all the fees passed during his father's administration, swears that the fees received by the defendant did not exceed in amount \$1,500 per month. He kept a memorandum of them. But, with Mr. King's report before them, the Treasury Department charge Mr. Collier with fees to the amount of \$3,898 per month, nearly three times as much as they really were; yet Mr. King and the other Collectors, with far greater advantages, collected a million of dollars more of revenue in about the same time, and the fees in the six districts only amounted to \$1,600 per month. As an offset to this enormous charge against us, they credit us with the fees at the rate of \$3,898 per month,

from February 14th, to September 27th, amounting to \$29,-105 06. Generosity unparalleled! We are credited for fees during a period of seven months, which amount to more than the amount we received in fourteen months, and charged with them fourteen months at the same rate! But this is not all. With their hearts waxing warm with liberal impulses, they credit us with \$30,831 39 for commissions during seven months, being about one-half the time that we are legally entitled to them. The entire amount of fees which they charge against us (including the seven months' fees for which they give us credit) is \$55,091 72, they being computed at the rate of \$3,898 per month. To be sure they accompany their account with a note saying that when they shall be satisfied that the fees are not accurate, they will reduce them; but why rear so great a fabric upon such extravagant guess-work, with the means before them of knowing better, unless it be to swell up the accounts of this defendant, to crush him down and ruin his reputation? I demand emphatically, why is this? How did they know that the fees amounted to \$3,898? They say they obtained it from Mr. Rodman's report. Where is Mr. Rodman's report, and where is Mr. Rodman? The Treasury Department has come here by its representatives and with its accounts, and Mr. Rodman is here too. Why do they not call him on the stand to tell us what his report was, and upon what state of facts it was based?

Why does not the Treasury Department give us an explanation of this extravagant effort to swell so egregiously the debt of this defendant? Why did they not—unless it was their determination to pursue him and hold him up to public execration as a defaulter, one who had embezzled and squandered the public money? It is no pleasant thing, gentlemen, to be accused of embezzlement; and you heard the learned counsel in his opening, after stating the grave allegations of the Department, say that unless the Collector could vindicate himself, he would stand before the public in no enviable attitude. But how stands the government in dealing with its citizen and agent, that shall publish him in advance as a defaulter, and shall pursue him with extravagant, exorbitant, and unfounded charges; by false accounts which are of themselves evidence; and set on foot a cry against him, which follows him here, and by some sinister and designing agency endeavor, through the public press, concealing

the hand which strikes the blow, to drive the assassin's dagger into the victim's heart? We know not whence it comes, but we see in it that this defendant is pointed out as a mark for the finger of scorn, as a defaulter, and worthy only of reproach and shame. Whence comes all this? What enemy is it that thus pursues this man? Whence arises this malignity? Where shall we rest the responsibility? Not upon the respectable public prosecutor—not upon the respectable government officers who are here—but the blow falls, and the defendant feels its influence, if he cannot describe its source. It is murderous to him whether the author be known or unknown. If it be poison which is presented to the lips, it matters little by whom the chalice has been drugged. With the evidence at hand to estimate the fees received by the defendant truly, again I ask why did not the Department approach somewhere into the neighborhood of truth? Why charge nearly treble the real amount, unless it was to keep this defendant before the public as a defaulter? I will not inquire what particular motives induced this action, nor by whose particular agency it was set in motion, nor whether the defendant has suffered most by the timidity of one, or the ambition of another—nor whether some new-fledged official wished to flesh his sword in this man's heart—whether the grand idea prevailed that it would be a prosperous commencement if some late Collector's blood could be made to smoke from the sacrificial altar; but I do know and assert that there has been a most unjust and vindictive effort to present him to the public as a defaulter, and that even these items have been swollen up without any authentic basis whatever to start from, in order to attain that result.

On the 22d of September they charged us with fees to the amount of \$55,091 72, and credited us with \$59,936 64 compensation, which includes the amount of fees allowed us "per contra," \$29,105 06—when our view from the beginning has been, when the design of Congress was, and when the law says, that we shall have a salary of "\$1,500 per annum, and the fees and commissions allowed by law."

But that is not the only item in the controversy. The fines, penalties, and forfeitures for seized goods and vessels form a considerable item in the issue—some \$34,000 and upwards, being one-half—the Collector's share of the net proceeds of their

sale. The learned counsel in his opening, acting under the instructions, not of his superiors, but of the Department, tells you that this defendant saw fit to seize goods and vessels, and represents him as a rapacious man, who went upon the shores of the Pacific for his own purposes, his own gain, and his own advancement, and seized these goods and vessels to such an extent, and under such circumstances that the sovereigns of the world had been compelled to cry out against him, and to call upon the sovereign power of our great nation to prevent such outrages, and to treat their citizens trading at our ports more like merchants engaged in that laudable enterprise than as pirates cruising against the commerce of the world. Verily, gentlemen, this is the first official commentary I ever heard from the Treasury Department in favor of smuggling; and if they take it to the Patent Office at Washington, I have no doubt they will be able to secure a patent for a new, if not a useful invention. The government vindicating smuggling—a little thing, a mere technical violation of the law! This defendant sees fit to seize vessels and goods and appropriate them to his own use! He is almost likened to the pirate ensconced in the Isle of Pines, who starts out under his dark flag and cross-bones, and amid blood and carnage, to prey upon the commerce of the high-seas.

But what was seized—who was it seized by, and under whose instructions? "*He saw fit to seize*," says my learned friend, using the Treasury dialect upon the subject. Why, the act of 1799 says the Collector "*shall seize and secure*" vessels or goods liable to seizure. Although he had been dragged for months across the vast intervening country, the oath of office was yet warm upon his lips, when by law he did seize, as he was bound to seize, and as he had sworn to seize, and as his official bond required him to seize. And yet the learned counsel says he "*saw fit*" to seize the vessels and goods of these poor, innocent men, who were only smuggling and breaking the laws of the country just a little! A first-rate plea, upon the Treasury Department invention, where the law was only a little broken. The breach of a single law brought death into the world, and yet that law was only a little broken. The revenue laws form one of the principal foundation stones upon which the fabric of our political safety rests. The subject has engaged

the attention of the first minds from the dawn of civilization down to the present moment. And now the Treasury Department, the agency through which they are executed, comes forward as the advocate of smuggling! Not only did the law require these seizures—not only did the defendant's oath require them—but he went out armed with instructions from the Treasury Department to make them; and to enable him to seize effectually, a revenue cutter was sent in advance, and its captain instructed to act in connection with the Collector, and with great vigilance to guard the coast against smuggling. The Collector, in one of the first despatches that he sent home to his government, dated the 29th November, 1849, advised the Treasury Department of the great press of smuggling and illicit trade on that coast;—he called attention to it, and asked instructions, and suggested some legal questions that might well have been taken into consideration by the Department. "What shall I do for courts? Here I am a new beginner, without courts, without legal advisers, without the aids and assistants that other Collectors have, and here the whole illicit trade of the world is beginning to centre. What shall I do? The law allows me to condemn vessels only in Oregon and Louisiana. By what process am I to get them there? Can the marshal of Louisiana appoint his deputy here in California?" He asked all these questions of the Treasury Department, and they rendered him for an answer—silence. The only instructions they sent him were to be vigilant, and try to prevent this illicit trade. Mr. Walker had written to Captain Frazer who had been sent around in command of the revenue cutter Lawrence. Mr. Meredith had sent his circular of the 26th July, 1849, directing him to guard with particular vigilance those attempts to violate the revenue laws. And yet we are told now by the Treasury Department that Mr. Collier "*saw fit* to seize" those vessels and goods! This circular of the Treasury Department was designed to call the attention of the Collectors to an abuse that existed in the importation of distilled liquors and spirits. He tells them that "it is unlawful," in the following language:

"TREASURY DEPARTMENT, }
July 26th, 1849. }

"It is represented to this Department that in some of the ports of the United States the erroneous practice prevails of admitting the

importation of gin and other distilled spirits, in cases or vessels of less capacity than ninety gallons.

"By the provision of the 108d section of the General Collection act of 2d March, 1799, the importation of any distilled spirits (arrack and sweet cordials excepted), unless in casks or vessels of the capacity of ninety gallons, wine measure, and upwards, *subjects the said spirits to forfeiture, together with the ship or vessel in which it is imported.* The act of 2d March, 1827, makes a further exception, as it relates to BRANDY, admitting that article in casks of a capacity no less than fifteen gallons; but with this single modification, the prohibitory provision of the act of 1799, above cited, *remains unrepealed, and must therefore be strictly enforced.*

"It is due to the importers within those collection districts where the erroneous practice referred to has existed, that they be immediately apprised, by a public notice from the Collector's office, of the views of this Department in regard to importations of the article in question.

"W. M. MEREDITH,

"*Secretary of the Treasury.*"

"Strictly enforced." Here are the instructions of this Department, and yet they say that he "saw fit to seize." Mr. Walker's directions to Captain Frazer, commanding brig Lawrence, in the revenue service, were these :

"You will, however, enter and examine all the different harbors which are now or which may be under the jurisdiction of the United States, and exercise the greatest vigilance in the prevention and detection of illicit trade, and in bringing offenders against the revenue service to justice. Should you be officially notified of the extension of the revenue laws over California, and the appointment of a Collector for that district, that being the point where the greatest amount of commerce will be directed, you will transfer your accounts to that Collector, and make the point of his location your principal rendezvous."

These are the directions given to Captain Frazer, who, you will remember, was upon the stand, and testified in relation to these matters, and who was sent to the Pacific for the purpose of aiding and assisting in the prevention of this very smuggling about which we are speaking.

Captain Frazer, in writing from San Francisco, under the date of November 1st, 1849, to Mr. Walker, a few days before Mr. Collier arrived there, says :

"There is no question that a great amount of illicit trade is prosecuted in this bay, and that *the most vigilant measures are necessary to prevent it.*"

And yet it is made a matter of complaint against the defendant by the Treasury Department that he made seizures, when the law required him to make them, when it was his duty to make them, and when no revenue could be collected, as is here proved, and as the common sense of the case proves, unless the seizures were made. What would have been the effect, Gentlemen of the Jury, if the Collector had not acted in the matter precisely as he did? What would be the effect in this great city, if burglary was to go unpunished—if the breaker of houses, shops, banks, and stores, should be permitted to go unwhipped of justice? The effect would be to legalize his acts, as it were, and every one not restrained by moral influences would enter upon the commission of crime. Here this new country, with its vast mineral treasures, had invited the illicit trade of the world, and it was pressing upon that single point, and seeking to land its cargoes; and it required the great and extra vigilance, which Mr. Walker had directed Captain Frazer to exert, the same vigilance which Secretary Meredith, in his circular of July, 1849, directed should be exercised, and in which he instructed that the laws should be "strictly enforced."

Still it is made a matter of complaint that the Collector seized; but when you come to examine this history of seizures, you all see that so far from being governed by rapacity, or a desire to put money into his own pocket for unlawful gain, he released with a liberal discretion a large number of vessels forfeited to the United States. His duty was to seize and he did seize. The goods were abandoned. They were generally brandies imported in quantities of less than fifteen gallons, which the law prohibited, and sometimes in bottles. Their importation was a fraud upon the revenue, a fraud upon fair dealers, and a fraud upon our own merchants on the Atlantic coast, who paid their duties. These traders came there as mere adventurers, and attempted to land their goods to compete with the merchants of the United States, who had paid the duties on their importations. The merchants complained of this state of things, and they might well complain, and this defendant performed his

duties and enforced the laws. The Treasury Department made no complaints then. The report of seizures was made from time to time to the Department, stating the date and particulars of the transaction. All went well, so long as the United States of America, with its thirty free and independent members, was receiving the money; and it was only when Mr. Collier, the defendant, who had perilled his life in enforcing the laws; who had breasted that mighty storm of anarchy, and secured this treasure to the government; it was only when he claimed his half of the amount and insisted on having it, that the United States, through its Treasury Department, became conscientious, and said no. Then they said, you have not proceeded according to law. But, said he, I have done precisely as I told you I was going to do, and was doing. I could not go to Louisiana or Oregon—these forfeited goods were condemned by the owners themselves, or their agents who brought them. Here is case upon case reported to the Department, where both the vessel and the cargo were forfeited, and where the Collector released the vessel and seized and sold only the cargo, or only that portion of the cargo that was prohibited—generally liquors, and that by the written consent of the owners.

The Treasury Department took its share of the proceeds of the forfeited liquors, but when Mr. Collier claims his, it is all wrong, and they turn round and pronounce an eulogy upon the smuggler, and it only remains as a suitable finale for the Treasury officers and the smugglers to drink each other's health in smuggled brandy! What should the defendant have done? Could he go to Oregon or Louisiana? The law which appointed him, required him to be there at his post. Could he send his deputy? He could not get a deputy, except those bound to him by ties of kindred and affection, because the attractions of the mines were stronger than any amount that could be offered, and we have seen that, but for the aid of his sons, he could not have discharged the duties of his office. He told the Treasury Department from time to time of the state of affairs there, describing them as he went forward. They made no objection—they expressed no dissent. He told them that these articles were not condemned by the courts, but that they were condemned by the parties themselves. The parties waived a condemnation by the courts, stating that it was a legal

forfeiture ; and the cheapest and best way, as the parties could not go to Louisiana or Oregon, was to sign articles of condemnation, to allow them to be sold ; doubtless that they might buy them in again, and take them to the mines. The smuggling was persisted in, the goods were forfeited, seized in pursuance of law, and sold, and the returns duly made to the Department. One half of the proceeds was retained by the Collector, as his share, and no objection was made by the Department to receiving their half, and none to the course he was pursuing, until after the Collector returns from his post, and seeks a final settlement, when they claim the whole of the proceeds ; and because he refuses to give up to the Department that to which he is legally entitled as his own, they brand him as one guilty of a violation of his duty, of rapacity, of wrong-doing scarcely less than that of a pirate ; and all because he seized contraband liquors, and by the direction of the owners, and with the consent of the government, sold them and divided the proceeds precisely as the law directs.

They could take and hold their half, but he cannot hold his. Let us look at the moral as well as the legal proposition for a single moment. The only persons interested in the matter, adverse to the government, were the owners. The only object of a condemnation, I submit to your honor, by a proceeding *in rem*, is not to fix the title to the things, for the forfeiture fixes that ; it is only to declare it in a contest. When one merchant holds a package of goods and another claims it, only one is the owner, and the result of an action of replevin declares which is the owner upon evidence. It does not make him the owner who was not the owner before. Here is a package of forfeited goods. The owner of the goods says, "I concede that they are forfeited. I give them up." Now, I understand that the only object of a proceeding *in rem* is to declare a title ; but when the party declares the title himself, and transfers it, either verbally or in writing (and in these cases it is by writing), he relinquishes all claim, and declares it to be as it is, and as the law would declare it to be, the property of the government, and there is no one else to complain but him ; and he cannot complain, for he is estopped by his own voluntary act. The very moment the party violates the law, the title passes from him and he has no

longer any right to the goods. The revenue officer seizes, and the proceedings before the Court are to determine whether the law has been violated or not. If it has been violated, it is then conceded on all hands, that the things are forfeited; but if the party voluntarily says, "I have violated the law of the land—I certify to my abandonment of the goods—I do not wish to go before Court to settle the matter—to determine what I have the right to determine for myself, and to say whether there has been a forfeiture or not," there is then no need of the machinery of the Court.

The Collector reported these cases, commencing early in February, 1850, to the Department, from time to time, as the goods were seized, and a disposition made of them. He asked instructions from the Department. He heard no complaint of his action taken on the premises, though some of the seizures were made and the goods forfeited as early as Nov., 1849. But now they proclaim us wrong-doers—"You had no right to take this property and sell it, without first having it regularly condemned by the Courts;" and they say this with one half of the proceeds of the sales crammed in their capacious pockets, and entertaining a wish to get the other half. With what grace can they come into Court, and condemn the conduct of the Collector, after receiving one-half of the money? They must have forgotten the old philosophical epigram:

"Says the earth to the moon, I don't envy your state,
That you steal from the sun is beyond all belief;
But the mild moon replied, madam earth, hold your prate—
The receiver's as bad as the thief."

They say we have no equities. What equities has the Treasury Department? We rendered the service—perilled life and limb and liberty; we seized the goods, and subjected ourselves to be prosecuted and held responsible for damages if mistaken; and they!—they reposed in easy chairs upon their official carpets, waiting the result, and now say we have no equities! What equities, I ask again, has the government? Set them forth. Bring them in, and let us see what right or title you can assert to the money. But they say we are going to keep the money. Yes, keep it—it will be a safe and per-

manent investment if they get it, for our time in this world, at least. There could have been seen, within the last three years, aged men, dressed in small-clothes, with knee and shoe buckles—walking up and down the halls of the Treasury Department—who came there when that costume was in fashion, and are yet waiting their turns to have their claims allowed. We demand who constituted the Treasury Department a trustee for our citizens, or the citizens of other nations? The Treasury Department has no more right to that than you have. There is no law giving them any right. They are not trustees of us or of the claimants. No law has constituted them trustees, nor has any usage. The Treasury has no right to this money under the revenue laws, until it is distributed; and then they have a right to only one half, except when the seizures are less than \$100 in value. In that case, when the claimant does not appear, the proceeds go into the Treasury Department, and remain there one year, under certain provisions; but when that year is at an end, they come back into the hands of the Collector for distribution; but in all other cases the Treasury Department has no more right to the money than any individual in the community. When the goods are seized, they come into the hands of the Collector. They remain there until disposed of by the Courts. Now the ordinary course of proceeding would have been, if there had been Courts, for the Collector to seize, and, after seizure, prosecute these goods. The party could have gone and contested the action of the Collector and shown, if such were the facts, that the law had not been violated, so that if this were shown the goods could be restored to the claimant; if not, they would be condemned and taken possession of by the United States marshal and sold. Then where would the money have gone? It would have been placed in the hands of the Collector, and by him distributed according to law, giving the United States its portion, the revenue officers their portion, and taking to himself his portion.

But it is not necessary to thread this through all its ramifications, and all the circumstances attending it. It is sufficient to know that the money does not get legally into the Treasury Department until it is legally distributed, and that it is rightfully in the possession of the Collector until there is a decree

of condemnation. The owner of the goods may sue the Collector for damages, but the United States cannot legally touch or interfere with us in our action, nor lay their finger upon one dollar of that money until such decree of condemnation be had. This payment made by us to them of one half was a gratuity, unless the goods were virtually condemned. Of the surrenders made, some were made unconditionally and absolutely. In other cases the goods were surrendered on condition that the subject should be referred to the Treasury Department to determine whether the seizures were legal. The Treasury Department did so decide, and now, at this late day, they have come to a conclusion between the Collector and the claimants, not unlike that of the Mohawk justice in a homely anecdote. It seems that a couple of his neighbors embarked in a litigation over a pig. After hearing the case, the justice decided in his wisdom, that each party had conducted himself so improperly that neither was entitled to the property; he therefore decided that he would take the pig himself, and let the constable pay the costs. Now, the Treasury Department decide, under this submission, that the goods are forfeited to the United States under the laws, but ask for the whole of the proceeds of the sales, and cry out against us because we retain the share to which we are legally entitled, as if we had been guilty of some great crime; when we simply obeyed instructions, used the means which the government had put in our hands for the enforcement of the revenue laws, pursued the law so far as there was any law to pursue, and when there was no law, pursued the course that was agreed upon by the parties themselves. Those persons that were attempting to smuggle goods into the Territory were enterprising men. They did mean business upon a high figure, and the forfeiture of one cargo of brandy did not discourage them in their operations. Time with them was literally money; and rather than waste time over these questions, and knowing that these articles were legally forfeited, they surrendered them like men, and went about making money in some other way.

Upon that branch of the case, so far, we say that in either aspect the government cannot complain, nor can they recover this money out of our hands, because it was a part of the compensation allowed by law; and in distributing the proceeds of

the forfeited goods, we have distributed them exactly in accordance with the law; and nothing is lacking in the case, except that here was no decree of condemnation by the courts, but, in its stead, a decree of condemnation by the parties themselves, surrendering them to the Collector to be sold. The Collector had no course left him but to act as he did, and if he executed the revenue laws at all, he could not have done otherwise. But, so far from showing himself to be rapacious, he released vessel after vessel that he had a right to retain, although, had he condemned them, as he had a right to do, he would have received half of the proceeds. There was no discretion then vested in the Collector to release the vessels, and what he did was upon his own responsibility. There are provisions for remission of forfeitures where the violations are not wilful, to which I will advert hereafter. In these cases the smuggler was entitled to little sympathy. The whole history of the cases shows that the violations were clearly wilful, and many of them were acknowledged to be so by the parties themselves.

The right to a distributive share does not become fixed solely by a condemnation. The condemnation renders a different office. It determines whether by reason of the forfeiture, the property belongs to the United States, to be distributed under the law, or whether it belongs to the individual. That is the whole office. When that office is discharged by the only one who can complain of its action adversely to himself, there is no necessity of proceeding further, and especially here, while we made our returns from time to time, and the United States were perfectly aware what we were doing and acquiesced in our proceedings. That these views are the view of others, government officers too, we have proof upon record; for it appears by documents that the Auditor, whose duty it was to adjust these accounts, made these allowances, and construed the law as we have done. We cannot claim this as conclusive authority, but we insist that this endorsement of our views is entitled to great respect in the matter relating to their item of \$34,000, and upwards, for our share of forfeited goods. It is also in proof that the acting Commissioner originally decided the same way,—or rather he expressed his opinion in the same way, but did not like to take

the responsibility of deciding thus without the sanction of the head of the Treasury Department. Here we see the head of one Bureau officially recognizing and adopting our view of the matter, and that of another sanctioning it by his opinion.

I have already said that the power of remission by the Secretary of the Treasury was only in cases where there was no wilful violation of the law. We hold that in such cases he has no power to remit after the money is distributed, and after the Treasury Department receives its share. If the distribution be not approved, they should not acquiesce in it, but should dissent and decline to receive it into the Treasury as the money of the government until the matter is disposed of. But, if they once take possession of their distributive share, their right to remit is lost.

A few words further upon this subject of rapacity in making improper seizures. It will be remembered that Collector Collier left for California, April 3, 1849, going across the country, as he did, under the direction of the government, and, as he says in his official letter, very much delayed, not by his own fault. When he reached there, he immediately, and on the 13th of November, wrote to the Treasury Department, calling attention to the peculiar state of things in that country, and asking for instructions. Among other complaints that are made, is that he especially seized French ships and French brandies,—ships that had violated the navigation laws—that is, where ships sailing from France, and touching at Valparaiso or other ports, received on board commodities not of the growth of France, and brought them into an American port. The Collector seized these vessels, as he had been instructed to seize them by his government. Now, it appears that on the 27th of June, 1849, M. Poussin, the French Minister, corresponded with Mr. Meredith, then the head of the Treasury Department, or through the Department of State, upon the subject of French vessels being admitted into the Pacific ports. He assures Mr. Meredith that American vessels are allowed, in going to France, to stop at intermediate ports, and take on board goods not of American growth and manufacture. Upon this representation as to the law of reciprocity in France, Mr. Meredith tells him that French vessels will be allowed the same rights in visiting and trading with our coun-

try. The only evidence of the existence of that French law, is a certificate of three what he terms "Merchant Brokers," of Havre. Now France is an exporting nation, and she does not hang her commercial rights upon such slender threads as the certificate of Messrs.—nobody knows whom,— the Merchant Brokers of Havre. They are based upon substantial treaties, and reciprocal laws, all known and published in in every port throughout the markets of the world. There is no doubt but that that certificate was the veriest pretence, though it matters little for our purpose, one way or the other.

Mr. Collier left here in April, and did not reach San Francisco until November, 1849, and, on the 10th of November, immediately gave public notice at San Francisco, that the revenue laws would be rigorously enforced. Here, in June of the same year, the Treasury Department is corresponding with the French Minister, in relation to these navigation laws, and it is not until February 12th, 1850, seven months after this information came to the Treasury Department at Washington, that the slumbering genius of that Department aroused from his Rip Van Winkle sleep enough to snore out an answer to the Collector in California, which would reach him in three months more. After keeping this information to themselves for seven months, they now complain because, during that intermediate time, he did not by intuition act upon the law that had never before been heard of outside of the Treasury Department. The Collector acted upon the law as he understood it, and upon the law which had an existence up to July, 1849. And the law of French reciprocity, in this respect, had never been heard of until it was brought out by the Merchant Brokers of Havre, smugglers themselves, probably, or indirectly concerned in smuggling. The Merchant Brokers of Havre are they who brought the law to the notice of the French Minister,—the representative of a great manufacturing and commercial nation, alive to its interest, with all the quickening instincts so peculiar to that people. No, Gentlemen, there was no such law ; but whether there was or not, its existence was not known either upon the Atlantic or the Pacific coast, when Mr. Collier left for the Pacific, to administer the law in California, as it had been administered there, and he did so administer the law. Information relative to the act of reciprocity was not forwarded on its way to him, until

February, 1850, and it did not reach him till May following. Who then should be to blame? Was it the Treasury Department's neglect of duty, or did Mr. Collier neglect his? Who slumbered when they should have been vigilant? Gentlemen, I leave you to answer these questions by your verdict.

The French Minister, in a correspondence with the State Department, in 1850, says that, up to May, 1850, no news of this decision had reached San Francisco, as we are informed by the Vice-Consul at that city; and in a letter of the French Minister, of March 21, 1850, he complains, not that the Collector at San Francisco had violated the law, not that he had seized French vessels and French goods wantonly or contrary to law, but the complaint is that the Collector had limited himself to the most rigid provisions of the law, and, as he expressed it, "limited himself to the strict execution of the instructions of the federal government," seized brandies on board French ships, &c., whereas he says they expected that there would have been more time allowed to change their practice in the Pacific ports. He complains not that the seizures were illegal,—they expected such action on the part of the Collectors of Atlantic ports; but the substance and essence of his complaint is that the French merchant expected the right of violating the laws a little *longer* at the Pacific ports;—"that the Collector would have delayed the execution of the laws a reasonable time." But he shows from the communication from the Minister of Foreign affairs of France, that the circular of the 28th of July, 1849, was published there on 21st September, 1849. He says that the strict enforcement of these rigorous measures in the ports of the Pacific came in consequence of this circular of the Secretary of the Treasury, whereas he expected that, on the Pacific coast, more lenient measures would have been adopted; and here, again, you see this Collector—who is held up as a wrong-doer, as a rapacious man, laying his hand on the commerce of the country, in a manner which compelled the sovereign powers of the world to call upon the sovereign power of this country to arrest the wrong—is complained of for adhering too faithfully to his instructions and the law.

Now the Treasury Department say they have restored a large amount of money, as an indemnification to parties for goods seized and sold by the Collector. The learned counsel

said in his opening, that although these seizures and sales brought a considerable amount of money into the Treasury, yet it had been the means of causing a vast amount to be paid out of the Treasury. We will show you that it has not taken a single dollar out of the Treasury, unless the head of the Treasury Department has neglected his duty, and paid it out illegally; and if they have paid money out without the authority of law, we certainly are not to be held responsible. Under the old law the Secretary of the Treasury had no power at all to remit, until the matter had gone through the process of the courts. The Treasury Department may remit their share without law, if they choose, but they cannot remit ours. When these goods are seized, if lawfully seized, we have a vested right, even if we had been removed from office, with the goods upon our hands. The courts have decided that we had a vested right, which we were not divested of by going out of office; and that although our successor pursue the seizures made by us to a condemnation, we are entitled to our share. They therefore had no power under that law, previous to the act of remission, of 1850, except such as the Secretary derived after the required preliminary proceedings through the courts. It must go through that process, and when we legally seized either goods or vessels, we had a valid right to the extent of our interest, and we cannot be divested of that right, unless by our consent, or duly proceeding in the courts, as directed by the statute. The Secretary cannot take away that right by any ex-parte proceedings. When the Collector seized goods or vessels, the party would consent to a condemnation. Why? Because there were none interested to prevent condemnation but himself, and he may therefore consent to such condemnation, even though it be informal, and especially where the condemnation is acquiesced in by the government, and the proceeds received into the Treasury. Then, we insist, they are estopped from saying more.

The act of 1850 authorized the Secretary to review the proceedings in such a manner as shall be convenient, and, where there are not wilful violations, he may remit. That provision relates, however, as your Honor will please notice, to the *districts of the State of California*, and the Territory of Oregon, and *nothing else*. We say that the first branch of this section has no application at all to these seizures, made before California

was admitted as a State, or divided into districts ; that the proviso to the section authorized the Secretary to extend relief to cases where "improper seizures" have been made by the officers of the customs in the collection districts of the Territory of Upper California, and in Oregon ; and that is the only part of the act, we say, which applies to our case, and it is confined entirely to improper seizures. That it gives no power to the Secretary, in the district of the Territory of Upper California, unless the seizure was an improper one, and that where it is proper and according to law, as these seizures are conceded to have been, he has no authority under that law whatsoever ; and such will be found to be the law upon its reading. Your Honor will remark, that, previous to that law, the Secretary had no power except to go through the courts. To get rid of this proceeding with California cases, that law was passed, which gave him power over the new districts not only in Oregon, but in the several districts of the State of California ; and in order that it might give a hearing in cases happening during the administration of Mr. Collier, it provided that the Secretary might afford relief in cases of "improper seizures."—Now all of these cases are admitted to have been *proper seizures*. There is no pretence that any property was seized, which was not subject to seizure for violation of the law. To be sure, Mr. Collier, though his conduct was approved by the acquiescence of the government, did receive one very pointed reprimand, and for a moment I did not know but the Treasury Department, among the ponderous volumes of its own blunders, really had found one mistake on his part. They rebuked him in language meant to be severe for selling the vessel *Collony*. The cargo, they admitted, had been properly seized, but the vessel, they learned, was seized improperly. The Department was seized with astonishment. It had rubbed open its drowsy eyes upon the enormities of his conduct, and was astonished that he should have seized the vessel, and trusted that he would not be guilty of such a breach of the law again. Well, gentlemen, it turned out that the very document before the Department that they were commenting upon was evidence to them that he did not seize the vessel at all, but only seized the *goods*, and which goods they themselves acknowledged were legally seized ! That is the only occasion where they undertake to rebuke him, and they rebuke him there

enough for all his errors, real and imaginary, for seizing a vessel that he did not touch. But they have remitted a large amount, they say, for seized property. They never remitted or paid a single dollar till long after this suit was commenced, nor until since the present administration came into power; and we make this point, in addition to other points, that before they could be entitled to recover for remissions or payments, or draw this money from our share, they should show that the remissions or payments were made before the commencement of the suit. There are some limits even to the action of the Treasury Department; and some laws that seem to have been framed to set bounds to its operations. But I am not yet quite through with the discrepancies of the Treasury Department.

Gentlemen of the Jury: while we are bound by the accounts made up by the Treasury Department (and they can any day certify them against us, and show that we have embezzled the money of the government, and bring eight civil suits against us, and endeavor to transport us to California, upon an indictment), we will look a little into the history of their own affairs, and show how much credit their accounts, which the law gives so high a character, in point of fact are entitled to. I wish to show you how many times, and in how many ways, they have stated the amount of the proceeds of this seized merchandise. And you will bear in mind, that the only error that is suggested against us, in their whole accounts, in the receipt and disbursement of two millions of dollars, is the sum of \$100, which they say we had paid twice for the Treasury Department, and for which we had rendered regular vouchers; but the amount was promptly paid by us to save all question. The statement of the seized merchandise, sent by the Collector, showed the gross amount to be \$94,704 66, of which he claimed one-half, \$47,352 33. This is the plain statement of the facts, admitted now to be correct, and susceptible of being easily and plainly understood. In the report of the Treasury Department of the 7th of August, 1852 (Senate Exec. Doc., Thirty-second Congress, 103), we read that the proceeds of the sales of seized goods amounted to \$57,902 13; whether it is the gross, or the net proceeds, is not stated. The Auditor's report of the 7th of March, 1853, states the amount of gross proceeds truly at \$94,704 66, and makes charges against it of storage, lighterage,

and other items of \$24,873 75, leaving the net proceeds \$69,830 86, of which one-half is \$34,915 43. In the statement of Commissioner Anderson, of 8th September, 1854, he makes in his detailed statement the gross amount \$83,043 13, and the net proceeds \$58,536 72; but in his accompanying report of the same date, he truly states the gross amount at \$94,704 66. In a letter of the 3d November, the charges against the fund are stated at \$27,296 50, which makes the net proceeds \$67,408 26.

You will see from these statements that the Treasury Department took about as many views as they made figures; still they hold the issues of official and political life and death, property, reputation, liberty, and have the power, any day, by certifying to an account against the Collector, of not only ruining him in his fortunes, but of destroying his character; of branding him as a man who has embezzled the moneys belonging to the government, and as a felon to be cast into prison. You will remember, that there were various vessels and various quantities of liquors seized. I have not enumerated the vessels nor the quantities of liquors seized, nor indeed is it material to my purpose to do so now. I have been arguing whether after the forfeiture, after the sale and payment of one-half of the proceeds to the government, we are not entitled to the other half. The government set up various answers to this claim on our part, and, among others, they claim that they have repaid and remitted to the claimants a large amount of money; under what law we know not, but suppose under the law of 1850, which, we say, gave them no such power.

Now let us pursue the history of these remissions. We had seized, and we had sold with the consent of the owners, who agreed that the goods were lawfully and properly seized, and who desired that they might be regarded as condemned, and sold in order to save any further trouble and any further litigation. We had paid one-half of these moneys to the government, and had taken to ourselves the other half. The counsel says that we "got *somebody* to consent" to these forfeitures and sales; but upon what assumption or upon what authority is that remark based? Who knows that we got anybody to consent? Who imputes indirection to us in that regard? What witness says that we got some one to consent, and that that consent was unreal, or untrue, or pretended? The suggestion is un-

supported by any evidence, and the assertion is without the least foundation. My learned friend spoke not with his own tongue, but with the tongue of the Treasury. He says "we got somebody." Whom did we get, and whom should we get but the owners, or those having possession and exercising the rights of ownership over the goods, to consent? When you purchase any article you desire, from whom do you purchase it? From the owner or the one claiming to be the owner, and exercising the rights of ownership over it? You do not doubt but you get a good title, for possession, in homely parlance, is said to be "nine points of the law." It was a fast age on the Pacific at that time, and it was difficult to wait and ascertain and spell out all the intricacies of title and claims of ownership; but we dealt with persons in possession and exercising the rights of ownership—men of reputation, merchants of standing, who claimed this right—officers of vessels, and others, who came to the Collector's Department, and asked that this property, being forfeited and seized, might be deemed condemned and taken by the government, that no further litigation might be had concerning it. When they come to make up the account of the remissions, and, by the way, they do not make up any until long after this suit was commenced, we aver (and it is not denied) that they made none until after the present administration came into office, on March 4th, 1853. I call your attention and the attention of the Court, to the history of the remission of these seizures. In the case of the *Surprise*, they awarded and paid \$1,677 50, they say. Well, the defendant had not received one single dollar of the proceeds of the *Surprise*, and still they undertake to charge the award in favor of the *Surprise*, over to a fund in which he has an interest, and to a share of which he is entitled. It is a great surprise to us, Gentlemen, that this surprising Department should undertake to charge over to us the payment on account of the *Surprise*, when we had not one single cent of the proceeds. The amount awarded to the vessel *Jane* was \$10,000. They paid \$12,084 64. The *Alcibiades*—the amount paid, as shown by the abstract, is \$7,932 91—as stated in Mr. Anderson's report, \$8,829. The *Edward*—charged as paid \$3,000, but the Collector got nothing from this vessel. *Duchess of Clarence*—paid \$2,331—net proceeds were \$213 17, and no more, of which the Collector has his half, &c.

These certificates of abandonment commence November 27th, 1849. Now, we submit in the further prosecution of this inquiry, that they had no right to surrender or remit under the old law or the new; that they had no right to pay awards and charge the same to us, under any circumstances; and that if they originally had that right, they had it only for payments made previous to the commencement of the suit, not to carry these subsequent payments into our accounts, thus making their amount a part of the original balance certified against us; still much less have they a right to come here and show by their certificates that they have paid for awards made for the ships which we never returned, and had nothing to do with, and charge us with the amount they have paid beyond the awards, and paid too upon ships of which we claimed no portion of the proceeds whatever.

Almost every one of these seizures took place previous to the time when the act before referred to was passed. You will perceive that it was passed on the 28th of September, 1850, while the Collector left his office January 14th, 1850; that with the rigid enforcement of the revenue laws, in which the Collector was assisted by Captain Frazer, this great press of smuggling on the coast had become subdued, and the parties had undoubtedly given over smuggling in the face of day, and that the new act therefore can, with the construction we place upon it, have no application to this matter, these transactions having taken place previous to its passage; that returns were made and in the office from time to time, and if they had intended to rely upon it, they could have admonished us to pursue a different course, instead of acquiescing with a part of the money in their pockets. They could have made out and stated their account against us, and have carried it in against us, if they had intended to do so. But there is another evidence. It will be perceived that here were not only seizures of liquors, but also a number of vessels were seized for violations of the navigation act by the Collector or by the Revenue Officers assisting him, the entire proceeds of these vessels, standing upon no higher ground than the proceeds of the sales of the seized liquors—upon no other or different rules; that the Department gave favorable construction to this proceeding themselves; they not only received their share of the proceeds of

these seized vessels, and carried it into the Treasury account, but they received and sanctioned the accounts of the Collector, which accounts showed that he paid Captain Frazer the share belonging to the Revenue Officers as informers, in cases of forfeiture and condemnation, and retained his own share of the amount for seizing the vessels. The Department, we say, thus settled and sanctioned all these accounts, and legalized, so far as it could do, the proceeding. Then we shall ask our learned friend why it is that the Department, after having entered upon an accounting partially, quibbled over it, audited, allowed, and sanctioned a part of the items, and now at this late day reject items of precisely the same class, and cut off the balance? No effort is made in these numerous statements to correct the fact of its allowance. They take their share of the proceeds of the seized vessels—they allow the Collector his share—all depending upon the same rule; seized under a kindred statute; condemned under the same statute and by the same courts; distributed under the same authority and in like manner; without any change either one way or the other. Why is it, we repeat, that they have sanctioned the practice as relates to the vessels, and rejected it as to the goods, under precisely similar circumstances? "The goods are not condemned." The assertion condemns those who make it—I mean it condemns the Treasury Department. It cannot be otherwise, when it sanctions a rule and allows an officer to proceed upon the principle involved in it, and then turns suddenly around and repudiates the rule without any new principle of construction entering into its consideration. We say that, like courts, departments, in the construction of statutes, are bound by the principle of *stare decisis*.

This is a suit brought by the government against the Collector, to recover moneys which they say are due to the Treasury Department; and we are authorized to set up every legal and equitable claim. It need not arise out of this particular transaction, but all our equities growing out of this and other transactions with the government we have a right to set up here; and it is outrageous, and certainly grossly inequitable, that they should come here at this time of the day, and set up and claim against us, after seeing us distributing and paying out this money beyond our control forever, and turn round and

say that that portion of money which is in our hands shall be subjected to a different rule. "We will take that ourselves. We will lay our capacious hand upon that, and will retain it until it shall suit our own will and pleasure to give it up." We show by the practice of the Department that they themselves have given the construction for which we contend. Their mouth is closed. They have marked out the line we may pursue, and have settled it by their practice. "You may seize, and, where the parties themselves agree to the condemnation, and waive a legal condemnation, you may sell. Of the money you have distributed, we will receive our share—you may retain yours, subject only to your peril, perhaps for the whole and perhaps for your half, and your risk of being called upon by the true owners." But they now say this abandonment was not by the true owners. We say it was. The articles were just as much the property of those having charge of them as were the vessels; and we ask that the same rule of construction which has been made to apply to the vessels shall apply to the goods.

I will now pass, gentlemen of the jury, to another branch of this case; and that is the statement of the accounts which they claim—their gross claims—and what they ask us to do. In the statement of the discrepancies, I came near leaving out a paper (which, though it has no official seal, I know comes from the Treasury Department, because it is a chapter of blunders), touching the payment of awards, &c. It is the report of the Commissioner, of 8th September, 1853; showing the amount estimated of the charges for storage, lighterage, &c., of the seized liquors and vessels in certain specified cases, and then he says, "should the proportion hold good it would swell the amount to \$63,000, and that amount, being deducted from the \$94,000, would leave the amount \$31,134," to be divided between us and the United States. I only speak of this, gentlemen, to show you that these certificates and statements of the Department are no better evidence than they should be. Here is a worthy, careful officer, who certifies on the 8th of September, 1853, that there are only six of the certificates of abandonment in the possession of the Department, when it appears that twenty-seven of them were in the Department, of which we produce a certified copy, certified by the Secretary

of the Treasury, on the 17th of September, and all filed as early as December 1st, 1851.

Mr. O'CONOR. Do you produce a transcript of them?

Mr. COLLIER. We produce receipts for them, signed by the Deputy Secretary, 1st December, 1851, and copies of them certified to by the Secretary of the Treasury, 17th September, 1853.

Mr. DICKINSON.—I will not say that it is the error of individuals, but set it down in charity to an erroneous system that wants a most vigorous course of thorough treatment—that wants breaking up at the foundation, curing and restoring to health; because we find officers, whose duty it is to give it their best attention, are utterly unable to bring anything out of it but error and confusion; the same officers unable to make on different days two statements alike, from the books of the Treasury Department.

These certificates of abandonment—twenty-seven of them—were filed as early as December 1st, 1851, and yet in 1853 only six of them can be found, says the Commissioner of Customs, and none others are known to exist; and this is the Department that can cast a man into prison, and blast his reputation by being empowered to state a balance against him, and have it introduced as evidence. The Commissioner says of these certificates, it may be presumed they were all of the same character. If so, they provide that the question respecting the legality of the seizures should be submitted to the Secretary of the Treasury, and if he decided the seizures were legal, the goods were to be sold at public auction, whereas most of the agreements on file in the Treasury Department surrendered the property unconditionally.

Gentlemen of the Jury, it is worthy of our attention for a few moments to consider the vast contrast between these persons who are administering these Departments of the government. I am about passing to a new branch of the case, that touching the general accounts with the Treasury Department—the claim they have set up and the grounds of their claim. I have been discussing the question of fees in the first place, and the fines and the forfeitures which relate to offsets and claims on our part, and I now come to the claim upon the part of the government, and the way they make it up; but first I call your

attention to the circumstances under which these different parties were placed. Here is the Treasury Department, organized at the foundation of the government, and having had what has been regarded by the various political parties who have borne rule, as their ablest man, placed at its head. It has had a convenient building, and convenient rooms, desks suited to its purposes, books, stationery, and ample and experienced clerks, to aid in carrying out its arrangements, and every facility that human minds could devise to give its energies action, has been set in motion. Here was this Collector, upon the Pacific coast, sent out there single-handed, at a time too when, in his own language, "labor controlled capital," a thing that was never before heard of since the foundation of the world. There he was, with that crude and wide mass of material thrown together, where business men and desperate outcasts had met together. He collected large amounts of money without suitable buildings or rooms, without convenient books or desks, and without aids of any kind; and if you look the matter over, you will agree that no man except one of that generous, manly, Western daring, could have collected that revenue at all—but for the man who could sleep with his head upon the treasure, and his hand upon the revolver, could it have been collected; and but for the man who could himself, amid the excitement of an exasperated, furious, lawless mob, who proposed to rifle the Custom House, rush to the Plaza, and there declare that the public money should not be taken except they first passed over his lifeless body, could it have been protected. And here were the officers of the Treasury of the United States, comfortably housed, fed, clothed, lodged, cared for, and literally sleeping upon the down of cygnets of the Ganges, when that defendant, afar off, was sleeping upon his arms. Under such dissimilar circumstances were his accounts and the accounts of the Treasury kept. There are hundreds of thousands of dollars, conceded and admitted errors in their accounts, to where they can suggest a single penny in his. After collecting this vast amount of revenue he comes home, and, before he returns to his family fireside, goes to the Department and bears the balance of his accounts, being for the fraction of the month from the 1st to the 14th of January, 1851. He goes there first to render an account of his stewardship. It was inconvenient for them to attend to it then,

and they tell him to go home. He calls shortly after, and the Secretary of the Treasury is going away. He turns the matter over to his subordinates, and directs that if there is any difficulty growing out of it, to await until his return. From that time to this—from the spring of 1851—from the time of his return, he has been dancing attendance upon this Treasury Department. He is now here with his counsel, and has been from that time to the present, with all the attending annoyances and expenses, unable to settle his accounts, and they are yet unsettled.

They commenced to make out his accounts June 7th, 1851. They rendered him his first balance that he had notice of, and how much do you think it was, Gentlemen of the Jury? For there has been nothing paid since, except the \$118,546 05, for which they have not given credit (and the learned District Attorney tells you he is not instructed to do so). The balance they then made out against him was \$791,065 31, and for that amount James Collier was published a defaulter, and his enemies, lookers-on, scandalmongers and mischief-makers, echoed the charge and cried "havoc, and let slip the dogs of war." From that time he has been hounded down, even after the commencement of this very trial. On the 27th of September, 1851, they re-stated the account at \$789,925 35. November 28th, 1851, they re-stated the account again; all of their own motion too, I conclude, because they allowed nothing of any consequence we had claimed; and they then made the balance \$750,933 80, and they required the immediate payment into the Treasury of \$382,976 55, leaving suspended \$367,957 25. December 29th (you observe that they are going on the descending scale, what we used to call "reduction descending")—they required him to deposit \$343,985. May 8th, 1852, they brought the suit against the Collector as a defaulter, in which they claimed specifically in their declaration, the sum of \$791,065 31, and this is the very suit now pending and being tried. They sued for that amount, and claimed it, although they had fallen at one time as low as \$343,985, all they required to be paid. Notwithstanding all this, when they commence suit, they go up again—get on an ascending scale, and claim \$791,065 31. March 7th, 1853, they state the account again in the Auditor's office, and fix it at \$181,797. But the Commissioner of Customs

adds to the debit side the deducted item of the net proceeds of our half of the seized liquors—\$34,915 43, which the Auditor had allowed to us, which made the account then stand at \$216,712 43. The account of \$181,797, I have shown you, was certified by the Auditor to be true. We have also shown you that the acting Commissioner of Customs concurred with the Auditor, and that the account should be settled upon that principle, although the opinion was not acquiesced in by the Treasury Department. We have also shown you that the Solicitor of the Treasury wrote to the District Attorney of the Southern District of New York—the predecessor of our learned friend, now opposed to us—and sent the account of \$181,797, and directed it to be prosecuted and put in suit, although the suit had been brought months previously for \$791,000.

The contested items—the one half of the net proceeds of the seized liquors, and the commissions on the amounts of money collected, being disallowed, these disallowances form the basis of the statement of the 7th of March—all the subsequent statements seem to be based upon that principle. The net proceeds of the seized liquors amount to \$34,915 43, which being added to the statement of the Auditor, \$181,797, makes the account stand at \$216,712 43. That was the statement of March 7th. Mr. Collier admitted that \$118,546 05 was due to the Treasury Department, if no credit was given for the Monterey money and his share of the penal duties and the bonds. He proposed to leave these matters for further consideration—to await the action of Congress with reference to the Monterey money—to await the decision of the Supreme Court with reference to the penal duties, and await the collection of the bonds—and to litigate in Court the question as to whether he was entitled to one half the net proceeds of the seized liquors, and to charge the commissions allowed by law; and he further proposed to pay \$118,546 05 into the Treasury, which was the amount actually due, if no credit was given for the above items. He accordingly did pay, September 16th, 1853, that sum upon the basis of the account of the 7th of March, 1853. And that paid every cent the Treasury claimed, except an amount equal to Mr. Collier's one half of the net proceeds of the seized liquors, and his commissions, leaving out of view the Monterey money, the penal duties, and the bonds. You will see that his

entire object was to throw off this mighty government Juggernaut, that rested on and haunted him, that consumed his entire time and energy, and which did more—which hung a cloud over his reputation, previously as spotless as the sun at noon-day.

Up to this time no claim for interest had been made, and no claim for fees had been asserted, or, if they had been asserted, had never been carried into his accounts. Notwithstanding the basis upon which the \$118,000 and upwards was paid in on September 16th, strange to say, on September 22d a new account was stated, and the \$118,000 was not credited, although the receipt had been admitted by letter of the Secretary of the Treasury, on the 17th of September, and declared to be satisfactory too, yet some new light, in the mean time, had shone into the Treasury Department, and then the account was re-stated on new principles, giving us credit for increased salary and fees and commissions to the \$63,761 49, which was more than we had ever claimed, and which had never before been allowed. But this credit was offset by a charge which had never before been made, and probably never before thought of. They charged us with \$59,091 72, for fees, at the rate of \$3,898 per month, well knowing that the fees were not half that. I have already commented upon that item, and the means which the Treasury Department had for knowing what the fees were. Another item which they charged for the first time—and most unaccountably charged—is the item of interest, amounting to \$33,286 81, and charged upon an account which had not stood still over night, scarcely, from the time they had commenced to make it out, and which had never been made twice alike. They computed the interest from January 14th, 1851.

It seems that they made out another account, subsequently, November 2d, which they do not now present, but which I will notice by and by. The balance they then stated, 22d September, was \$241,329 47, giving no credit for the \$118,546 05 which was certified to, and sent on for payment or prison; but, gentlemen, under what code of morals the Treasury Department certified it, I do not know. They had \$118,000, and upwards, in their possession, which they did not credit, and being officers acting upon their high responsibilities and oaths, they are permitted to certify their ac-

counts, and they did certify that to be their account, without crediting us with the \$118,000, which we had paid them, and they knew it. We do not here complain so much of this, because we have their receipt to prove that we paid it. But, I should like to know upon what principle that account of \$241,000 was certified upon oath, when they well knew that \$118,000, and upwards, was in their possession. It seems from a letter of the Commissioner of Customs, that they had made out a further account. They did not content themselves with the account of September 22d, but (as appears by a letter of the Commissioner, which has been given in evidence) proceeded to make out still another account. They made an addition of \$5,661, which they said was for rents of reservation. This item they had dropped on March 7th, as, in their own language, "improperly charged." But, since this trial has commenced, our learned friend has announced that that charge has been dropped again, for the present, for the want of evidence, and I suppose the government will go on to bring another suit for it, making the ninth on the civil side of the calendar. That letter of the Commissioner of the Customs, of 2d November, 1853, increases the claim to \$246,990 47, and if my learned friend follows the instructions of the Department of the Treasury, for any length of time, he will find it to be the most devious pathway that he has ever attempted to tread. Relative to that increased balance, two letters were sent on to the defendant, who was then at his home in Ohio. One was written by the Secretary of the Treasury himself, and the other by the Commissioner of Customs, by order of the Secretary. Both letters were sent together, and both required him to deposit this last named sum of money. One directs him to pay it to John Hastings, Surveyor, and designated Depositary of the Treasury, at Pittsburg, and the other to pay it to John B. Guthrie, who bore the letter to him, and who, as the Commissioner's letter states, is authorized by the Secretary of the Treasury to receive it. This was asking considerable of this defendant—requiring him to deposit this large sum of money immediately, in two different places, with two different persons; but I suppose it was done according to Col. Benton, on principles of Amphibiology. Under what particular clause

of the Sub-Treasury act the Secretary of the Treasury authorized the public moneys to be deposited with a private citizen, I do not know; he doubtless can tell. The Department are now forced to fall back upon this account of September 22d, 1853, which has swollen vastly beyond the account of March 7th, 1853. But the whole may be stated in tabular form, as follows:—

Different Statements of the Accounts of James Collier, made at the Treasury Department.

1851.—June 7th, they state and claim a balance of.....	\$791,065 31
September 24 " " " "	789,925 85
26 November, in letter of this date, the Commissioner writes him that \$406,948 80 is <i>suspended</i> , and he is required to deposit.....	\$372,479 12
Which would make gross amount.....	779,427 93
26 December, balance is stated at.....	750,933 80
But in accompanying letter of 29th December, Collector is required to deposit \$342,985, remainder being suspended.	
1852.—May 10th, they bring this suit, and claim in their declaration the original amount of.....	791,065 31
1853.—March 7, they stated the account on a new basis—	
the Auditor making the balance.....	\$181,797 00
But the Commissioner adds to this balance the Collector's share of seized liquors, an item allowed by Auditor.....	34,915 43
but "suspended" by Commissioner—making his balance.....	216,712 43
When the Solicitor of the Treasury enclosed the account to the District Attorney, in March, 1853, he writes him to commence suit and collect....	\$186,787 00
In this account of the 7th March, the item charged for commissions which we say are "allowed by law," was <i>disallowed</i>	63,250 95
and the Collector's share of net proceeds of seized liquors, "suspended," was.....	34,915 43
If these were credited,	98,166 38
(Without crediting the other contested items of the Monterey money, penal duties, and bonds), the balance would be.....	\$118,546 05
16th September, 1853, Mr. Collier paid into the Treasury this amount.....	118,546 05
Which, if our construction of the act of 1849 be correct, satisfied the whole balance claimed by the Department, on their own showing, and left	

to Mr. Collier his unsatisfied claims against the government, for the money of which the Deputy Collector's office at Monterey was robbed, confessedly without any fault or negligence either of the Collector or Deputy, but which the Treasury Department nevertheless required him to pay.....	\$8,110 29
For Collector's share of penal duties, which depends upon the construction of the act—now before the U. S. Supreme Court, in a suit between other parties.....	14,000,00
Making the balance to be certified in his favor, as claimed by us	\$22,110 29
Besides his share of certain bonds, which the Treasury Department say are still uncollected, but which it is their business to collect.....	12,300 00

After all this, the Treasury Department state a new account, 22d September, 1853, and in this they charge the Collector with what they choose to estimate as his fees, which they claim for themselves, although expressly given to the Collector by the act of 1849, under which he was appointed, which they estimate at \$3,898 per month, nearly three times the true amount, as it is proved on this trial.

In this new account, they start upon the same basis as the account of 7th March.....	\$216,712 43
They add these estimated fees, never before charged, at \$3,898 per month.....	55,095 72
They charge us with interest, upon an assumed balance, and never before claimed.....	88,236 81
Making aggregate <i>debit</i>	\$305,090 96
They then credit for additional salary, and a part only of the commissions, and the estimated fees from 14th February to 27th September, 1850, no part of which was ever before credited.....	63,761 49
And state the balance, 22d September, 1853, at.....	241,329 47

In this statement no credit is given for the payment of 16th September, \$118,546 05, although we show receipt of the Assistant Treasurer of that date, and the receipt is acknowledged by the Secretary of the Treasury, in his letter of the 17th, and the Monterey money, penal duties, &c., are still disallowed.

Then we show by letter of Commissioner of 2d November,

1853, that they have made still another statement, in which the item for reserved rents reappears, \$5,661, charged in accounts prior to 7th March, 1853, but in that account credited as "improperly charged," and now abandoned on this trial.

In this last statement they credit the payment of 16th September, at \$118,546, omitting the 5 cents, and still claim a balance of \$128,444 47, which the Collector is required forthwith to pay to two different persons, and at different places.

Moreover, the account now furnished to the District Attorney, introduced on this trial, is the account of the 22d September, 1853, which omits altogether the credit of the 16th September.

[The Court here directed an adjournment till Wednesday morning.]

WEDNESDAY.

The Court met pursuant to adjournment, when Mr. Dickinson proceeded with his argument, as follows:

It may seem unnecessary to you, gentlemen of the jury, that we should travel over the vast expanse presented by this case so minutely; but to us it has seemed necessary for the proper vindication of the defendant here. We could not do less than to review the whole ground for the purpose of submitting the legal and equitable considerations which are presented; and although I am only able to touch upon the leading points of the case, and must leave many things unsaid that might be said in illustration of the positions which we assume, yet it consumes much time, and must try, if not sorely weary, your patience. I shall, therefore, make myself as brief as possible in the discharge of a duty that I owe to an injured man.

When I closed, yesterday, I was commenting upon the vast discrepancies between the various reports and statements made from time to time by the Treasury Department. I had taken occasion to show that where two statements were made they were entirely unlike, and that their various statements and reports constituted a chapter of errors from the beginning to the end; and was about to contend, and was contending, that where a government makes its own laws and prescribes such a high position for itself, that in rendering its accounts against its citizens—where the accounts and statements are of

so grave a character and involve such serious consequences—they should be in their official character like Cæsar's wife, not only pure, but unsuspected. They should not make these haphazard statements, commencing at near \$800,000, and sinking down through every point of gradation to \$216,000. A statement made out under such high authority—an authority almost as absolute as despotism itself—should be made up upon the most sufficient evidence. It should be complete; above all, it should be true; and we have been met, at every stage of this case, by charge upon charge—one fabrication upon another—changing oftener than the phases of the moon, from the time they undertook to make this defendant out a defaulter, up to the present moment. I mean no disrespect to these officers of the Treasury Department when I say, their system is either erroneously administered, or is radically and shamefully defective. They may attribute it to what cause they please. Whether there are too few accountants and too many politicians in the Department, I do not know, and I leave for others to determine; but I will say, that any merchant who should thus state his accounts, whether dealing with his factor or agent, or with his customer—who should commence the statement of his accounts at \$791,000 and upwards, who should make numerous statements, and in every re-statement vary the amount, until it was reduced to \$216,000—would be deservedly hooted off 'Change; his books would have no more authority, as such, than the contents of waste paper, and would justly be discredited as false.

I had occasion to show, yesterday, that when Gov. Anderson, the present Commissioner of Customs, certified that there were only six certificates of abandonment in the Treasury Department, there were twenty-seven. How comes that? I do not attribute the fault to Gov. Anderson. He could not know. These certificates were filed in another Bureau of the Treasury Department, and he could not know, except as the fact was reported to him from such Bureau, how many certificates there were. They brought to him only six, and he was compelled to certify to this astounding error; and in the mean time the defendant was held up as a defaulter, not for the amount of indebtedness really claimed by the government, but for a great and ruinous amount, calculated to prostrate his credit and de-

stroy his reputation. What would have been the condition of James Collier if he had attempted to pay this vast amount which they first claimed? and claimed so gravely—a sum clear away beyond his reach, and the reach of all his friends put together. It would have consumed their money, their goods and chattels, lands and tenements, and then still have left him a defaulter to a very large amount. Still they claimed this amount, and insisted that he should pay it forthwith into the Treasury. And I shall show you, by-and-by, that it may be material, and in short that it is material, that we should exhibit the state of their dealings with us, and the various shapes and phases of the accounts they made up. Upon the subject of fees, I reasoned to you of the facts, and to this honorable Court, of the law involved, and I said, and I now repeat it, that none of the laws fixing a maximum compensation have any application to the act under which the defendant was appointed, nor to his compensation, and were not intended to have; that where Congress had intended to fix a maximum, they had in all cases said so, and I cited a large number of Congressional enactments in proof of this assertion, and clearly proved by these citations the Legislative and Congressional construction which had been placed upon the language—"fees and commissions allowed by law." But it is said, there was the act of the 3d of March, passed on the same day with this act, requiring all moneys to be paid into the Treasury, and I suppose it will be claimed that that language had an influence upon it. Now for the language of that act.

[Mr. Dickinson here read the 1st § of the act of the 3d of March, 1849, Ch. 110.]

That act did not, as seems to be supposed, require *all moneys* to be paid into the Treasury. It required "the gross amount of all *duties* received from customs, from the sales of public lands, and from all *miscellaneous sources* FOR THE USE OF THE UNITED STATES," to be paid into the Treasury of the United States, "without any abatement or deduction on account of salary, fees, &c." Now the moneys collected for fees were not collected "for duties nor from miscellaneous sources for the use of the United States." Neither of these acts limit the amount of our compensation, nor gainsay, nor in the least impair, our view of the question. If any construction of reading is to be

given to these two acts, it is such a construction as will make them both consistent, with themselves and with each other—they are to be so read as to give them their full force and full effect, without detracting in the least from either, still leaving moneys collected for duties and miscellaneous sources to be paid into the Treasury, and the fees and commissions allowed by law, to the late Collector of the District of Upper California. We have paid, and there is no suggestion to the contrary, every shilling we collected “for duties and from miscellaneous sources for the use of the United States” into the Treasury. We collected the duties and paid them in and rendered accounts up to January, 1851, and the account for the amount collected from January 1st to January 14, 1851, the defendant brought with him on his return from the Pacific, and carried it to the Treasury Department, before he visited his own fireside. He had returned all the duties—all the moneys collected for the use of the government from miscellaneous sources, and had retained one-half of the net proceeds of the sales of the seized liquors and the seized vessels.

If there had been anything wrong, it could have been shown on the part of the government, but the government are silent upon this subject. Where are the witnesses they called to contradict the correctness of the position we assume? They content themselves with their certificates of the amount which they claim, and have not ventured to call a single witness upon the stand to testify and say what was their ground of complaint against Mr. Collier, except as they loom up with their certified statements. We hear, in the progress of this matter, that a Mr. Rodman made a report, and I inquired yesterday where was that report? It was not forthcoming. It is not presented, although in the matter of the fees, the amount has been fixed at a most romantic amount, beyond what it really was, and Mr. Rodman has been in the Court from the beginning of the cause up to the present time, to prompt the vigilant government counsel—our learned opponent—to quicken his activity, and to suggest to him where anything is wanting. Why was not Mr. Rodman put upon the stand? If Mr. Collier had disregarded his duty, if he violated the laws in collecting the revenues at San Francisco, why not put Mr. Rodman upon the stand to show in what respect? No! Gentlemen of the Jury, he has not trusted

himself there, and they have not trusted him, nor ventured to place him there. He went out to California as an agent of the Treasury Department, not merely to spy out the nakedness of the land, but to spy out what was doing by this Collector, that he might expose his delinquencies; and why does he not come in here with his report and in person, to point out the wrongdoings of this defendant, who has been held up to public execration and scorn before the country? The absence of that witness is a volume of itself—it tells more truth than twenty witnesses, because it shows there is nothing they could allege against him. They had sent out a special messenger to San Francisco, to watch the doings of the Collector, and act as a spy upon his conduct, and when he came back he could do nothing but guess at the fees the Collector was receiving, and guess, too, nearly treble the amount, if we are to judge by what the Secretary says of Mr. Rodman's report. If not, from what data did they estimate the amount? They had Mr. King's report of monthly fees then (unless it had gone to that receptacle of lost things, where all but six of the twenty-seven certificates had gone), and they might, from that report, have made up a statement somewhere nearer the truth, for the cashier testifies that the fees could not have been more than \$1,400 per month, instead of the amount charged by them, \$3,898 per month.

In regard to these fees, I stated yesterday, in showing the gross inconsistencies of the Department, that they commenced by promising to pay him three thousand dollars per year, from April, and then, as the fruition of that hope they had held out, they credit him with fifteen hundred dollars from November. They subsequently promised to be liberal, and fixed his salary at a maximum of six thousand dollars, and then finally, for a certain period of time, although he had never claimed it, they allowed him ten thousand dollars. Now, on the 14th of February, 1850, there was a joint resolution passed suspending the restrictions upon the salaries in California and Oregon, and among other things making further appropriations for the collection of the revenue, for the half of the current year commencing January, 1850, and ending 30th June, the same year. They gave a construction to that joint resolution, as we have before seen, by which they allowed the minor officers and deputies for the whole time they were employed by Mr. Collier,

under his direction. They allowed also, though upon what principle they allowed it, with their views, it is difficult to perceive, a large amount of fees and commissions from February 14th, 1850, to September 28th, 1850, when California was admitted as a State, when specific legislation was had, and when the State was districted into six Collection Districts. Now for that term of time, from February 14th, to September 28th, 1850, they allowed him a maximum compensation of three thousand dollars, instead of six thousand dollars, which they said he was entitled to; they allowed this very large amount of fees and commissions, the first of which they designate as fees "*per contra*;" but, as to the commissions, they do not state whether they were regarded as "*per contra*" or otherwise. We would be perfectly satisfied if they allowed us that compensation, which is a larger amount than we have charged, did they not offset it by these fees, a great part of which never had any existence except in the confused brain of some stupid or designing official. From the 28th of September to the 14th of January, 1851, they credit us at the rate of ten thousand dollars per annum, because the State was then districted into six Collection Districts, and the salary of the Collector of the District of San Francisco had been fixed at that amount. But Mr. Collier was not the Collector of the District of San Francisco. He had been nominated for that position after the act of September 28th, but amid the clamor that went forth against him he was rejected. Of that he did not and does not complain. He remained at his post and discharged the duties of the office to which he was originally appointed, not only in the District of San Francisco, but of the five other new Districts which had been created. Upon what principle, then, do they cut off "the fees and commissions allowed by law," and give him the salary of one District, when he was not only the Collector of that District, but of the whole State, embracing the six Districts? He had been appointed Collector for the whole State, and that was the bargain he had made. He made no new agreement subsequently, and he remained there in the discharge of his own duties, for which they paid at San Francisco alone—one of the Districts—ten thousand dollars; the duties of Surveyor, too, for which the new act provided a salary of seven thousand dollars, of Appraiser and Assistant Appraisers at the respective

salaries of six thousand and three thousand five hundred dollars, and Deputy Collector at a salary of five thousand dollars, and a Naval Officer at a salary of eight thousand dollars a year. The act of September 28th provided for the payment of these vast sums, as compensation for the collection of revenue in the District of San Francisco, alone, and when he had discharged all of these duties, for all these offices, in the whole of the six Districts, a great clamor is raised against him because he claimed according to law a salary of \$1,500 as his compensation, and demanded that he should have "the fees and commissions allowed by law." Bear in mind, too, this salary of \$10,000 was fixed after the State had been organized, and social and legal order had been erected, and after this great rush of illicit trade upon that coast had been regulated and subdued. In the discharge of these duties he had no Naval Officer, no Surveyor, and no Appraiser to divide responsibility with him, except those he employed. Now let us look at the other Districts under the legislation of September 28th. The Collectors of the Districts of Monterey, San Diego, Sacramento, Sonora, and San Joachin, were each given salaries of \$3,000 per annum, with additional maximum compensation of \$2,000, should their official emoluments and fees amount to that sum. The Surveyors at the ports of San Barbara and San Pedro were to be allowed a compensation each of \$2,000, &c., &c.; and thus costing the government some \$50,000 per annum, for performing the duties which devolved upon the defendant.

We submit that if they wish to go upon this new compensation, they should give him not only the salary provided for the Collector of the port of San Francisco, but they should pay him the salary of Surveyor, Naval Officer, &c., within the District, and the salaries given to the officers of the other Districts, the duties of which he discharged after September 28th. But that is not the principle upon which we insist. We demand our salary of \$1,500, and the "*fees and commissions allowed by law*," be the same more or less. I repeat, in making up their estimate they credited us with a large amount of "*fees and commissions*," but the joint resolution of 14th February, 1850, did not authorize any such payment. Its office was to take off the restriction upon the *salaries* in California and Oregon, and nothing else. They have therefore sanctioned and shown that

they had a right to pay fees, and that the Collector was entitled to the fees; and if they had made this credit, which is a larger amount than we charged, we should have been perfectly contented, had they not overbalanced it by a charge that they had never made against us before for fees which had no existence, and a most inequitable, unjust, and erroneous estimate of interest, which had never been claimed before, and which is not allowable by any law domestic or foreign, State or Federal, written or unwritten.

But, lest I spend too much time, Gentlemen of the Jury, I will not dwell longer upon these various statements of the account, but will pass along to the 7th of March, 1853. They do not seem to have stated the account to suit themselves, until that time, and although the Collector presented himself there time and again, with his counsel, to endeavor to procure a settlement, he did not succeed. But, it is said, he had the money in his own hands. Well, he did have some money in his hands, which might or might not belong to the government on a settlement; but he gave the reason why he retained it in his own possession, and such reason ought to have been most satisfactory. Why, gentlemen, when the news reached California of her admission into the Union as a State—when canons boomed, bonfires blazed—when flags fluttered, and the hurrahs went up from a joyous people, that California was one of the stars of the Union, was gathered into the constellation of free and independent States—when all its citizens were rejoicing that legal and social order were at last theirs, and that California was hailed as the young sister of the Pacific, what consolation came to this defendant? The same steamer brought him the intelligence that, by reason of the mischievous and malicious clamors raised against him, he had been rejected, when nominated by the President, for the office under the new organization. He did not complain. But if we could have understood the workings of his heart, we should have seen it stung to its core with bitterness that his country had rewarded such perilous, faithful, and distinguished services, by a return so ungrateful. But he said nothing—he had no official notice that he had been suspended. He remained there, true to his trust—he stood the same sentinel upon the watch-towers of that old Custom House, where he had preserved the public treasure,

until he was relieved by his successor. He had been prosecuted, in the mean time, in the various local courts, by shippers, for various large amounts claimed of him in his official capacity—he was a public officer no longer, and under no obligations to remain there. He did remain, and he retained sufficient of the money to protect himself, and he told the government why he had done so. He retained the money to indemnify himself against these prosecutions that had been commenced against him individually, by these different persons. But he was always anxious to settle with the government, even after being sued for \$791,000, and published as a defaulter. He did not falter or fly from these prosecutions. He besought the government to settle them, as he seeks to have them do now, upon principles just and equitable.

They made out their account finally, but much time had been consumed by these parties in negotiations, both before and after this suit was commenced; negotiations marked by attention, vigilance, care, and integrity, on the part of the Collector, and inattention, carelessness, and stupidity on the part of the Treasury Department, whose presiding genius, seated upon his golden throne, dispensing his blessings and his curses, could not at first spare time to settle the accounts of this California Collector, and he was put off from time to time, until finally, in the progress of affairs, these exorbitant demands were made against him.

To show upon what unjust and absurd principles the accounts of the Treasury Department were made up, let me explain to you a formidable item in his account, called the *special deposit account*.

A shipper comes into the port of San Francisco, with a damaged cargo, or with goods depreciated in the market. He desires to land his cargo, but before he can get a permit for that purpose, he must first pay the duties. He therefore produces his invoices, and the duties are estimated upon them. He then makes a special deposit with the cashier to the whole amount of this estimate, for which the cashier gives him a certificate of deposit, and opens an account with the shipper and credits him the amount on the books of the Custom House. The cargo is then landed, and passes through the hands of the appraisers, and the true amount of duties is thus ascertained.

The shipper returns to the cashier with the appraiser's account showing the true amount of duties. The cashier thereupon charges, on the debit side of the shipper's account, the true amount of duties, pays him back the excess of deposit, upon the return of certificate of deposit, which is also charged, and which balances the shipper's account, and then credits the United States with the true amount of duties. Or to put the whole series of cases, extending throughout his entire term, into a single account for the purpose of illustration:—

One of you, gentlemen of the jury, goes into port, with all these cargoes in one ship.

The duties are estimated upon your invoices at what is, in fact, the gross amount in defendant's account, \$405,948, which you thereupon deposit, and the cashier opens an account with you thus:—

Arthur E. White, in Account with United States.

1850.—

Cr.

July 1. By amount of cash deposited for unascertained duties on goods imported on British ship Ocean, from Liverpool, A. E. White, Master, as per invoice..... \$405,948 00
[After appraisal he enters debit.]

1850.—

Contra.

Dr.

July 15. To amount of ascertained duties upon appraised value of goods..... \$380,000 00
To cash paid you for excess of deposit, on return of certificate of deposit..... 25,948 00

\$405,948 00

And the shipper's account being thus balanced, the Cashier then opens an account with the United States, thus:—

The United States in Account with James Collier, Collector.

1850.—

Cr.

July 15. By cash received for duties on cargo of ship Ocean, of Liverpool, Arthur E. White, Master, on Appraiser's valuation of goods..... \$380,000 00

You would think it quite plain, gentlemen, that, upon such an account and upon this statement of facts, the Collector should be charged at the Treasury Department only with the amount of duties actually received, \$380,000. But what

does the Treasury Department do, in its magnificent system of book-keeping. In making up the Collector's account, they not only charge him with the true amount of duties received, but also with the amount of the original deposit, making an aggregate debit of \$785,984, instead of \$380,000, and holding up the Collector to the public, and publishing him as a defaulter, in this single item, for \$405,948, which he is peremptorily required to pay into the Treasury. And although this matter was fully explained, over and over again, at the Treasury Department, yet the Collector is not only officially reported to the Senate as a defaulter for this amount, but the account with this imaginary balance included, and others equally erroneous, duly certified by the Treasury Department to the District Attorney as correct, and in this very suit the whole amount was originally claimed. To be sure, this item is credited a year or two after this suit was commenced, and the account is reduced—including other items—more than half a million of dollars by a single dash of the pen; but large items, equally false and absurd, are still retained and charged.

On the 7th of March, 1853, you will perceive their account was re-stated at \$216,712, and we then made arrangements to pay a part of this demand, and more than was really due, and leave the balance to be litigated, although the whole amount had been previously stated at \$181,000 by the Auditor, and his view of the account was concurred in by the opinion of the Commissioner of Customs. But inasmuch as the then Secretary of the Treasury Department wished to exhibit his prowess in book-keeping, he took the matter into his own hands, and the account was finally stated, on the 7th of March, at \$216,712. In the mean time no payments had been made; but they allege, as an apology, that vouchers had been rendered, which caused the change. We deny that a single voucher had been rendered since Mr. Collier's first visit to Washington, after his return from California. They were all, save six, slumbering in that resurrectionless tomb connected with the Treasury Department; they had long before gone to that bourne from which no paper returns; they were decaying in the subterranean pigeon-holes in the basement of the Treasury Buildings.

Upon the statement of March 7th, of \$216,712, made up in

the manner I have already stated, the \$118,000 was paid, with the understanding that the other balance of the government claims should be decided in the courts. After that, for the first time, the claims for fees and interest on the amount were made. The Secretary of the Treasury, in a letter dated September 12, 1853, adds to the account previously demanded, \$18,967 37, for interest at six per cent., from January 14, 1851. This letter is as follows:

(COPY.)

"TREASURY DEPARTMENT, }
September 12, 1853.

"SIR:—A proposition has been made to this Department, by the sureties on behalf of James Collier, late Collector of California, to make a deposit with you, by way of present payment on account of the balance due by him. The said payments may be as follows, viz.: \$216,712 43, as adjusted by the Commissioner of the Revenue, less, first: Fines, penalties, and forfeitures, as stated by the Aud'r, \$34,915 43, and second: Commissions on his collections, \$63,250 95, making of principal to be deposited, - - - - \$118,546 05
Interest from 14th Jan., 1851, to 18th Sept., 1853, 2 yr's

and 8 months, at 6 p'r c't., - - - - 18,967 37

\$187,513 42

And leaving the two items deducted, with others, for future consideration and adjustment.

"I have, therefore, to request that you will receive the said aggregate sum, or either of the two which compose it, which may be offered, and issue duplicate certificates of the deposit, stating that the deposit is on account of the debt of said Collier, and specifying the character of the deposit received, whether for principal or interest, and by whom made.

"I am, very respectfully,

[Signed]

"JAMES GUTHRIE, *Sec'y of Treasury.*

"JOHN A. DIX, Esq., *Ass't Treas'r U. S., New York.*"

Here it is shown that the money was to be paid on the basis of the calculation of March 7th, and the other items were left for future adjustment, and that the defendant might pay the principal or interest as he should choose, and produce the certificate of the Assistant Treasurer, upon which he paid it. On the 16th of September, therefore, Mr. Collier paid

\$118,546 05, according to the instructions of the Secretary of the Treasury. For the amount paid he received the certificates of the Assistant Treasurer, which you have heard read to you. The certificates, too, show that this sum was paid by the sureties of the Collector, upon his account, to discharge their obligation, as was declared to be the intention when it was paid in. This \$118,000 was received by the Secretary of the Treasury into the treasury of the United States, with copies of the papers showing the grounds upon which it was paid. Now we submit, that, both as law and fact, they cannot make a further and different statement, claiming an amount due, after receiving money upon the basis of that statement and retaining it, when it is clearly agreed and understood to have been paid upon the faith of that statement. We have paid our money upon that statement, and they are estopped from changing it to our prejudice, from the basis of that calculation of March 7th. If an ordinary debtor, after furnishing the amount and bill of particulars of his claim, is bound by it, how much more should the government, after certifying its accounts, be bound by its action, especially after the commencement of the suit. The account of March 7th claimed \$216,712 48, and the payment of September 16th was made upon that basis.

I now pass to the matter of interest. We do not nor did not admit the claim of interest. We did not make any arrangements in regard to it. In the first place, we say it was not allowable upon any principle whatever, because the true account had never been stated. The amount had been ambulatory, and had been constantly passing from one point to another. The account must be finished and complete, upon mercantile principles, before it can draw interest. There must be a balance struck to fix the sum due. The statute providing for the payment of interest does not help them. The statute gives them leave to charge interest from the time they state their account,—an account upon which they can recover for the amount stated,—that does not conflict with the rule of the common law at all. It is only declaratory, and fixes and gives certainty to that which was left in uncertainty before. When a true and just balance has been stated by the Treasury Department, if they recover upon the stated balance, they can

recover interest upon it, but the balance must not range everywhere between \$791,000 and \$216,000, and then pass for a stated balance within the rule. Even at a later date than March 7th, in the very account now introduced by the District Attorney, they undertook to give us large credits and to make additional charges.

Again, they have accepted their principal debt as a principal debt, and the interest, if allowable under any circumstances, was a mere incident to that debt, and they are therefore not entitled to it, having accepted the principal. Where there is a special agreement to pay interest, and where interest is reserved, there may be some reason for claiming it; but where the principal is accepted as a payment of the principal, and not as interest, and where there is no dissent or demur and the money is kept, then they cannot claim and are not entitled to recover interest. They claim this interest from the 14th of January, 1851, to September 14th, 1853, two years and eight months, and it will be seen that there is no time when they regarded the account as stated between these periods. If they had intended to charge us interest, clearly they should have made out an account, upon which they could have demanded interest to be paid on the account. It was proper for us to go over this account for the purpose of showing there was no defalcation on the part of the Collector, and never had been, and that he had met, so far as he was able to meet, the exigencies of the case, and had settled with the Treasury Department so far as the Treasury Department had rendered him a true account, and it was especially proper for him to do it for the purpose of showing that there was no time when they should have charged him with interest. This statute, if it does anything, authorizes the charge of interest by way of damages—making it attach as damages for the detention, by statute, when it would not have been chargeable by common law. It is a statute, therefore, penal in its character and operation—a statute in derogation of the common law so far, and for these reasons it is to be strictly construed.

The interest which they claim is based upon this erroneous estimate of fees, an amount which is shown upon the face of these proceedings to be unliquidated, because they admit they do not state the account truly, but from an estimate; and when

we place a witness upon the stand to prove what the amount of fees really was, and they have an individual in court—the author of Rodman's report—who pretends to have investigated the subject and made a report upon it, they keep both report and witness out of view; and still the Secretary of the Treasury instructs his subordinates to make up these fees upon the basis of that report, which they do not see fit to produce, nor to call the witness who can speak knowingly of the truth of the report. Then why should we be called upon to pay interest when the account has never been fixed from the beginning to the end, but, on the contrary, so ingeniously have these executive thimbles been rigged during the whole time, that the most expert among them could not tell under which one the little joker was.

But, gentlemen, there is another item in this account. It is the Monterey money stolen from the Deputy Collector's office, and it is briefly disposed of. Even if the Department had not the strict right to allow us the amount of that money, \$8,110, in stating the accounts, you have the right. The claim is both legal and equitable, and may as such be set off in this suit. But we deny in the most emphatic terms that upon any principle whatever are we liable for the acts of the Deputy Collector at Monterey. He was an officer of the government as much as was the Collector at San Francisco. The Collector of San Francisco is appointed by the President with the advice and consent of the Senate. The Collector at Monterey was appointed by the San Francisco Collector with the consent of the Secretary of the Treasury; and it matters not from what source the appointment is derived. The President and Senate are not liable for the delinquencies of the Collector at San Francisco, neither is the Collector at San Francisco liable for the delinquencies of the Deputy Collector at Monterey, even if he were in default. Says Judge Story in his work on agency, page 412, § 319:

“And here the doctrine is now firmly established (subject to the qualifications hereinafter stated), that public officers and agents are not responsible for the misfeasances, or positive wrongs, or nonfeasances, or negligences, or omissions of duty of the sub-agents, or servants, or other persons properly employed by and under them, in discharge of their official duties. Thus, for example, it is now well settled, although

it was formerly a matter of learned controversy, that the Postmaster-General is not liable for any default, or negligence, or misfeasance of any of the deputies or clerks employed under him in his office. This exemption is founded upon the general ground that he is a public officer, and that the whole establishment of the post-office being for public purposes, and the officers employed therein being appointed under public authority, it would be against public policy to make the head of the department personally responsible for the acts of all his subordinate officers; since it would be impracticable for him to supervise all their acts, and discouragements would thus be held out against such official employment in the public service."

And in the second of Kent's Commentaries, 610, cases are cited to the same point; (see also Story on Bailments, sections 462 and 463, and 6th Barb. S. C. R. 632, 635.) There are numerous other authorities that I might mention, but I will not detain the Court for that purpose. We insist that the Deputy Collector at Monterey is an officer of the government, appointed by the government, and liable to the government, upon general principles. Besides, suppose James Collier himself had lost that amount by theft, without fault on his part, would it not have been an equitable defence to the amount for him? We suppose it would. And passing from this first point of defence, we insist that the fact of the money being stolen from the place provided by the government for the Collector's Department, is a complete defence, even though it had been stolen from under the Collector's roof. It is not like the case of the individual who appoints his deputies and keeps his money where he pleases. It is the loss of the government and not of the Collector. The integrity of the officer is not doubted, and in fact the Commissioner of the Customs admits the stealing of the money in a letter, as does also the Solicitor of the Treasury. Then we have the deposition of Senator Weller, who testifies to have seen the marks of the burglarious entrance to the safe from which the money was taken. The Solicitor of the Treasury, and the United States Attorney of the District of Columbia, who appeared for the United States on the examination of Senator Weller, had no doubt of the money being stolen, and if anything is to be taken by inference from that deposition, it is most strongly against the government, for they had the means of cross-

examining the witness if they had chosen so to do, and ascertaining in detail all the facts of the case.

We claim, in addition to the Monterey money, the half of the net proceeds of the sale of the seized liquors and the commissions at the rate of three per cent., upon money collected for duties, and also one half of the bonds which are in the possession of the government and of which our share is admitted to be \$12,300. Without dwelling long upon the subject of these bonds, we submit, gentlemen, that after the Collector left office and all control over them, in January, and after the Treasury Department had decided that the goods were legally forfeited for which these bonds were given, the government should have exercised vigilance in collecting the bonds, and if they have slept upon the rights of the parties, and have not done their duty, while at the same time we could not get possession of the bonds to collect them ourselves, we contend that the government has made the bonds its own, and that we are entitled to our share of them, and the government is liable to pay us our portion now.

Upon the subject of forfeitures, in addition to other statutes, there is one which I omitted to cite yesterday, which says, among other things, what moneys the Collector shall return, "that he shall return the amounts received for fines, penalties, and forfeitures of seized goods, wares, and merchandise, *and upon compromises made for seizures.*" It is the act of 2d March, 1841, to be found in Gordon's Digest of 1850, page 911.

We do not pretend that there is any direct authority given to the Collector to make compromises, nor is there, we say, any given to the Secretary of the Treasury; but we contend that that gives as much authority to the Collector to compromise as to any other officer, and means such a case as ours if it means anything. There it is. Let our learned friend dispose of it as he will. Now the Collector, Mr. Collier, collected at that port upwards of \$2,100,000, and upon that amount he charges commissions. They allow him commissions for a considerable period. The condition in which he found California has been very well described in his own letter. He took an early opportunity of advising the government of the state of things there.

[Mr. Dickinson here read again a portion of the letter of Collector Collier to the Treasury Department, under the date of November 13th, 1849.]

You learn it not only from him, gentlemen, but it is a part of the history of the times. You learn it from Capt. Frazer, that heroic, hardy, and weather-beaten seaman, who went out there to aid in executing the revenue laws, and he tells you, in a language and manner not to be misunderstood, that the state of things there was indescribable. You learn it from Mr. Edwin Collier, the son of the Collector, who concurs in the statement—who proves himself an honor to his father, not only by his attention to duties there, but by the fidelity with which he clung to his father's fortunes in moments of severe trial. His evidence given in this cause was so simple and so truthful that the officers of the government who had been upon the spot, and seen the Collector's doings there and are now here in Court, did not even question his testimony, or suggest a single contradiction.

It has been admitted here before you by the learned District Attorney, acting under the instructions of the Treasury Department, that there was no complaint against Mr. Collier for extravagance or profligacy in his expenditures. What then is his offence? He remained there and collected the revenue faithfully while in office, rendered his accounts to the Department, and paid to his successors nearly a million of dollars, and only claims for his compensation what the law gives him. He has shown no disposition to clutch these funds, but, on the contrary, he has shown a desire to pay the last farthing belonging to the government, from the earliest moment. You know well the cost of living in California from the evidence of Capt. Frazer and others—Capt. Frazer, a plain and unostentatious seaman, accustomed to the most common fare, paying seven dollars for his first breakfast. A dollar each for eggs we are told was a common price, and not very good at that; twenty dollars a dozen for pickles, and everything else in a corresponding ratio. Most truly the Collector said "labor controlled capital." Every man did what was right in his own eyes. The worship of the golden calf in that region had already commenced in earnest,

" Amid Nevada's snows he chewed the cud,
Or cooled his hoofs in Feather River mud ; "

and his votaries were hastening to the place that they might bow down the knee before him. The whole penal colonies of England had been let loose, the world had held a general jail-delivery, and the desperadoes of the earth had flocked thither to recruit their fortunes. Such a state of things as this defendant found, when he went there to execute the revenue laws, was never before met with ; such confusion and anarchy was there that it seemed as if the genius of Saturnalia had opened there his court. At this period, James Collier was the presiding spirit in San Francisco. The stars and stripes fluttering from the Custom House was the only evidence of law or order to the people, and formed the rallying-point. The Americans loved and honored it as the flag of their country. The citizens of all other nations feared and respected it. Although fiendish conspirators, at one time, attempted to raze the Custom House to its foundations by powder, and this aged man was dragged violently by ruffian hands because he faithfully and with sleepless vigilance was guarding the treasures of his country, yet he performed that service with a fidelity of earlier and better days, even to the bitter end, and no complaint is now alleged against him, except that he claims a compensation to which he is legally entitled. This proceeding, gentlemen, is a part of the history of the times, and, shall I add, one of its darkest pages ; for there is no nation of people upon the globe, savage or civilized, who would not have stood up in defence of an officer who had done as he did, taking his life into his own hands and vindicating his country's interests and upholding her laws. But no, he is published as a defaulter—frowned upon as the embezzler of the revenues in his keeping—seized as a felon to be dragged back in chains, if need be, to California.

Gentlemen, why was he not carried back, from his own home and hearth, as a criminal, through the dominions of old Spain, of Mexico, and of semi-barbarous New Grenada, and other foreign states, that he might fall, like the last of the Tribunes, upon the stand where he had rendered the greatest service to his country ? That he might be exhibited like a wild beast at a show, where, in the name of the laws and the Constitution, he

had upheld the stars and stripes of his country—that his gray hairs might be covered with shame, his good name be stained with falsehood, and the companion of his life and the children God had given him be degraded in their parent and protector. That this most infamous outrage was not consummated was no fault of those by whom it was attempted. What though his fidelity in the execution of his official trusts had defied the criticism of chartered spies and silenced the tongue of the victim hunter; what though he had dared immolation, and declared, in the face of a lawless and ferocious mob, that the public moneys should only be taken by passing over his lifeless body,—what though with unquailing eye and dauntless spirit he had led on his brave men in the earliest and bloodiest battles in the war of 1812,—what though he was venerable with years and enfeebled with the casualties of service, he would have been literally transported beyond the seas for trial, at a season of the year, too, when the strong hearts and buoyant spirits of the young were sinking under the prevailing diseases of the intermediate climate, but for an appeal to that great writ which was wrung from tyrants in the old world and sealed with human blood, that it might serve as a protection against tyrants in the new,—the *habeas corpus*. Nor could even this mighty engine of the citizen's freedom, and the oppressor's dread, have saved him from his persecutors but for such professional aid as no man has had before. This defendant had a brother—the Hon. John A. Collier, not merely one of the same parents born, but who proved himself all that is suggested by that interesting relation. They had started together upon the pathway of existence as little boys, hand-in-hand, the gay companions of life's unclouded morning. The parents who nurtured them had gone to their rewards—they had become aged men, had reared families of their own, and the changeful currents of existence had separated them widely from each other by distance; between them high mountains rose, broad rivers rolled, and hundreds of miles intervened, but neither time nor distance had estranged their young affections, nor weakened the tender ties by which they were united. That brother was an able lawyer. He flew to the aid of the defendant with an alacrity which gold could not have purchased, and stood by him with a sleepless fidelity and an untiring vigilance which no mere professional

relation could have endured, and brought into the case an amount of legal learning which, while it vindicated the defendant and confounded his enemies, reflected the highest credit upon his professional character, and served as a memorable illustration of the poetic conceit that all of earth was contaminated by Satan in the fall but domestic love. And to such superhuman exertions is the defendant indebted for his liberty—for the enjoyments of his own home, and for a fair trial before a jury of his country upon the merits of his case.

But in the pursuit of this defendant, when all other arguments fail, we are told that his compensation was great, as if that was a sufficient reason for disregarding the law and recovering money from him which is legally and equitably his own. It would seem to be entitled to about the same consideration as would a suggestion from us that the government have already a surplus of some \$28,000,000 in the Treasury, which can only serve to corrupt legislation and purchase the easy virtue of hungry politicians; and neither can have any legitimate bearing on the case. The defendant's compensation, if it had been received at an Atlantic port, would have been large. But, upon the Pacific, at the time when and under the circumstances under which it was earned, it was moderate indeed. Whoever doubts this assertion, let him look at the history of the defendant's hardships, perils, expenses, and persecutions, and then determine whether all the gold of California would be an adequate compensation. But where is that large amount which the defendant received beyond the expenses incident to his office? Go with me to San Francisco, that magic city of the living, and inquire where it is, and they will tell you that a large portion of it is by no means in the defendant's coffers, but they will point to those whom he raised up from sickness and want, and tell you that from his ample means he fed the hungry, clothed the naked, and dispensed his charity until he was beloved by all who knew him for the generosity and benevolence of his heart. Go with me, too, gentlemen, to that mighty city of the dead which lies beyond the city of the living; look upon that humble grave, perchance of one who was the son of a neighbor or a brother, who left his happy home to seek his fortune, lured to the land of gold by the adventurous spirit of youth, and his efforts proving unsuccessful, his hopes disap-

pointed, his means exhausted, his heart was crushed and he sickened and died, far from those who loved him, in the land of strangers. Whose sympathetic breast throbbed with warm pulsations over the lowly dying couch of this fair boy? Who ministered consolation and nourished and sustained him when in his fevered dream he murmured of his distant home? Who smoothed his dying pillow and closed his eyes in death when the light of life had ceased to relume them? And who laid him in the humble tomb with the forms of Christian burial? Had the silent, yet eloquent grave, a voice, it would pronounce the name of James Collier! How many fathers' blessings have been mingled with his name. Oh! how many mothers' prayers have ascended to the throne of the infinite God for blessing upon the head of that kind stranger, who stood by the bedside of her cherished child, in his last sad moments of affliction! Such, gentlemen, is the history of this case—such is James Collier, whose destiny is committed to you.

REMARKS

AT THE OXFORD ACADEMY JUBILEE.

HELD AT OXFORD, CHENANGO COUNTY, N. Y., August 1st and 2d, 1854.

[The occasion celebrated by the "Jubilee" was the Sixtieth Anniversary of the founding of the Institution, and the dedication of a new Academic edifice.

At the Jubilee Dinner, Hon. Henry W. Rogers, of Buffalo, President of the day, having in some preliminary remarks alluded in pleasant and complimentary terms to Mr. Dickinson, whose wife was a former pupil of the Academy, as, "though not a student in his own right, having high claims as 'tenant by courtesy,'" and playfully recounted some passages in their early acquaintance and friendship, called upon him to respond to the toast:—

"The Ladies here educated: the wives and mothers of Senators and Statesmen."

Mr. DICKINSON spoke as follows:]

WHEREVER the blessings of civilization and Christianity have been extended, a high position in society has been assigned to woman. It is obvious that the wise and beneficent Creator, in the adjustment of human economy, ordained that one portion of the duties of life should be discharged by the male, and another by the female; nor, because her duties are unlike his, is it to be inferred that they are less important, interesting, or dignified. To man, with his more rugged nature, has been assigned the physical elements, and various duties incident to government; to woman, the empire of the heart and the affections. She has not felled the forest, wrestled at the bar, enacted laws in the legislative hall, nor gravely presided over courts of justice; but she has been charged with the execution of a holier and more interesting trust,—that of standing at the vestibule of human existence, watching the development of

mind, and moulding the heart and character of those who are to compose society. These duties are suited to her peculiar nature,—her purity and affection, her intuitive perception, her deep religious devotion, her patient endurance, her love of virtue, her abhorrence of vice ; and the gentleness and delicacy of her natural and moral structure have qualified her to discharge this elevated mission, and to inculcate peace on earth and good will to men. The great mass of virtuous females would by no means exchange a relation so sacred and interesting for any earthly destiny ; while an ambitious and clamorous few, scorning the tame duties which society, with the sanction of Heaven, has assigned the sex, seek relief in preparing their minds and adjusting their costume for making more hasty and enlarged strides in pursuit of their *lost rights*.

It has often been said, sportively if not seriously, that woman was the first to partake of the fruit of the forbidden tree ; though it is admitted, in extenuation, that she was the earliest witness in the atonement. But if my clerical friends will pardon me for a moment for invading their peculiar prerogative, I will challenge any one to show from the sacred writings that woman was ever forbidden to eat of the fatal fruit. Whether the injunction was not extended to her because it was deemed unnecessary by reason of her obedient nature, or whether it was supposed the inhibition would *heighten* her *curiosity* to *taste*, is of course unknown to erring mortals. Be this as it may, the Scripture informs us that man was created and placed in the garden,—the command to abstain was given him while he was yet alone, and afterwards, in the order of events, woman was created. No heavenly mandate, so far as we are informed, reached her ears upon the subject ; nor did she rest under any declared prohibition, except by implication.

The character of woman is appreciated, and her exalted mission acknowledged, in proportion as society advances in learning, refinement, and true religion ; and her position is degraded in the same ratio, under the dominion of despotism, ignorance, and barbarism. This very occasion is a most memorable illustration of this interesting truth. It signalizes one of her proudest triumphs. Contrast her condition as it is here, with that of other lands of more ambitious pretension. Passing by countries where she is an inferior and a slave, go to decayed, mildewed,

beggar-gilded Spain, boasting of her ancestral renown, her refinement, and her religion, and search her moth-eaten monarchy throughout for such an assemblage as this—where they have met together to recount the triumphs of learning; and you will not find it. Assemblages of “fair women and brave men” you may find; but they have assembled to witness struggles for mastery and prowess between brute beast and brutal man, cheered on by a brutalized audience (in which, I blush to add, woman is conspicuous), while they worry and destroy each other.

I remember much of the history of the Oxford Academy, commencing, perhaps, at an earlier period than I should now be willing to confess. I remember once to have seen its benevolent founder, Mr. Hovey. And I remember now full well, and with a pride and gratification not easily described, of those I may venture to claim amongst my early and most valued friends,—those who have sustained it through all its vicissitudes to its present exalted eminence, who mourned when it languished, and when it rejoiced, rejoiced with it. In what pleasing contrast they stand with the conquerors of armies, the disturbers of the world's repose, the violators of the public peace! How much more approved in the sight of all good men! how much more justified in the sight of Heaven!

From this institution no demoralizing influences have proceeded;—it has produced neither sickness nor sorrow; but, like an ever-welling fountain of good, it has sent forth living streams to the north, the south, the east, and the west, to refresh, to fertilize, and bless the vast domains of humanity. Its benefits have reached all ages, classes, and conditions. It has taught the wealthy humility, and the vulgarity of ostentation; the poor, how to endure poverty without wretchedness; and all, that virtue and integrity are priceless. Nor has this institution, in the education of females, been one of those modern shaving shops where a young lady must be taken up by payment of her value every ninety days, like a matured bank note; where they are smothered under so many studies that they can learn little of them besides the names of the books, and know no more of the useful branches when they leave than when they commenced;—but here true learning has been imparted and real knowledge inculcated, at an expense which placed them within

the reach of means the most moderate. Here woman has been taught lessons which qualify her for the duties of life in whatsoever condition Providence may cast her lot; whether in the secluded quiet of domestic retirement, or whether her fortunes are launched with the companion of her destiny upon some stormy sea, she is fitted to cheer and console him when all others frown, to be his light and sunshine when the skies lower and the storm gathers blackness and fury.

“ When envy’s breath would coldly blast his name,
And busy tongues are sporting with his fame,
Who solves each doubt, clears every mist away,
And leaves him radiant in the face of day ?
She who would peril fortune, fame, and life,
For man the ingrate,—the devoted wife.”

It was said that although Mark Antony had no hand in the death of Julius Cæsar, yet he would receive the benefit of his dying; and I will add, that although I never attended the Oxford Academy, I received the benefit of its excellent instruction, and that, although never a student there, I obtained one of its highest prizes.

The honorable President of the day, who has with so much ability and good taste presided upon this occasion, has, among other reminiscences of boyhood which he has awakened, reminded me that we were then both residents of Guilford, in this county, and that he received from my official hand a certificate to teach a common school. Although it had long been forgotten, I now remember well the circumstances and the occasion. It could not have been, I am quite certain, that I gave it him because I knew that he was fresh from the halls of Oxford Academy, which we all held in profound veneration for its learning,—for he had not then entered them; it could not have been because of the strong sympathy as brother mechanics which bound us together; it could not have been because of the private friendship which sprung up between us at an early day and has existed to the present moment, commencing in the confiding spirit of youth, and growing stronger and brighter with years;—but my good genius must have whispered me, that the candidate for pedagogical honors would one day discharge great and responsible public trusts,—that in the exercise

of a high profession he would stand up in the legal forum, in the Queen City of the West, and there eloquently vindicate the cause of virtuous innocence, abash fraud, and chastise knavery as with a lash of scorpions, until his brow would be laden with wreaths of laurels. Thus aided by this mysterious guidance, and looking unconsciously into the future in view of the part the candidate was to play upon the great theatre of existence, it seems I ventured to certify to the important fact, that he was of good moral character, possessing sufficient learning and ability, and was in all other respects qualified to teach a common school in the town of Guilford for the term of one year.

Chenango was my early and beloved home. Here were passed the seasons of childhood, youth, and early manhood. Its faces are still familiar. There is scarcely a hill, a stream, or a mountain-side but I can give some passage of its history. Chenango is now thrice my home, for at my own residence its beloved river rolls at my feet. I love it for the interesting memories it awakens, for the sad yet pleasing recollections which cluster around it. I love it for its noble social structure, its healthful clime, its sunny slopes, its gay green valleys, its industry and frugality, its pure morals, its sturdy sons; and will close by suggesting that I have practically shown my sense of regard for its daughters.

ADDRESS

DELIVERED AT THE LAYING OF THE CORNER-STONE OF THE
SUSQUEHANNAH SEMINARY, AT BINGHAMTON, N. Y., August
17, 1854.

[The Susquehanna Seminary was erected and established under the patronage of the Susquehanna Conference of the Methodist Episcopal Church. Rev. Dr. Paddock, one of the trustees, presided at the ceremonies of laying the corner-stone, which were held in a grove in the Seminary grounds, and witnessed and participated in by a large concourse of people. Besides the appropriate religious exercises, addresses were delivered by Mr. Dickinson, Edward Tompkins, Esq., and Rt. Rev. Bishop Janae, of New York. Mr. Dickinson spoke as follows:]

WE have met here, my friends, pursuant to a venerated usage, to lay with appropriate ceremonies the corner-stone of a material edifice consecrated to learning; and to establish thereby, upon more broad and durable foundations, a structure of which this is but typical, resting for security upon an imperishable base of morality and religion, and destined to shed an enduring lustre upon succeeding generations. The corner-stone of the material edifice, in obedience to ancient custom, will contain a brief history of the occasion, and of the current events of the day; to be disinterred, perchance, only by the influence of years, or the conflict of physical elements. That of the moral structure will seal up the secret thoughts and motives of the bosom, to be revealed only on that day when the hearts of all are laid open to view. When the material edifice shall totter to its fall, when its lofty battlements shall rock before the chafing elements, and the granite, unsteady to its purpose, shall give up its charge—when the ploughshare shall have upturned its deepest foundation stone, and its place shall no longer be known, the beauty of the moral structure

will rise above the desolation, inspiring hope, as does the bow which cheers us when the storm has gone to its repose.

The site selected for this Seminary, the confluence of the Susquehanna and the Chenango, is beautifully appropriate, and suggestive of many interesting reflections.

"There is not in this wide world
A valley so sweet,
As the vale in whose bosom
These bright waters meet."

Here was the loved home of another race, whose remains now rest beneath our feet; here was the happy hunting ground of the ruthless red man, who held it by indisputable title deeds, for they were deeds of blood. Here he chanted his savage triumphs, and kindled his council fires; and here, too, in the language of romantic eloquence, the "Indian lover wooed his dusky mate." He founded no institutions of learning; he erected no temples dedicated to the worship of the living God; his pursuits were the chase and the trail of hostile tribes; his fierce ambition sought only scalps and revenge; his teachings were the use of the bow and the battle-axe. He looked out, as we do, upon the same lovely expanse; he gazed upon the same blue heavens and beauteous earth; he saw the same sun rise in the morning, and trees blossom in the spring. But he saw no populous village radiant with beauty, and teeming with life and hope and joy; no temple-spires pointing towards heaven; no institutions consecrated to science; he heard no shrill whistle of the locomotive; he received no messages from his brethren at a distance, by the lightning's mysterious agency; he heard not the busy hum of industry, nor was his indolent repose broken by the hammer of the artisan. He looked upon these same grand hills, clad in everlasting verdure and burnished with the same mellow sunshine. He adored these smiling valleys so resplendent in beauty. He gazed upon the surpassing loveliness of these same rivers with their velvet shores, their dense and deep-fringed foliage, winding their silvery waves to their ocean home, as the currents of human life roll onward to the ocean of eternity, and, from the darkness of his soul, rudely mur-

mured of a Great Spirit which gave them motion. He lived and died a stranger to the great truths which civilization and Christianity inculcate; and his race has faded from among us like the foot-prints of a traveller in the desert. No authentic history will record his mysterious and profitless existence, nor tell of his melancholy extermination; but all will rest in dreamy speculation, and the fitful shadows of tradition—the judgments of a beneficent Providence upon ignorance and barbarism—conveying a striking and fearful admonition to those who neglect or misapply the blessings which are set before them in bounteous profusion. Peace to the ashes of the red man—

“A stoic of the woods, a man without a tear.”

The Seminary here founded is destined to become, in process of time, a great and celebrated institution of learning;—great in its capacity to furnish homes for, and to impart useful knowledge to numbers; great in the moral influence it is destined to exert upon every class of society; great in the numbers it will forward upon the high road to honor and usefulness and fame, which science has prepared for her votaries; great in causing virtue to be encouraged and rewarded, and vice to shrink from its atmosphere like outlawed guilt; but greater still in quenching that inordinate desire for material wealth and pomp and circumstance, “which freezes the genial current of the soul,” which has become the bane of civilization, and realized the poetic sentiment, that—

“Ill fares the land, to hastening ills a prey,
Where wealth accumulates, and men decay.”

Its pupils will gather in from the North and the South, the East and the West to drink at the fountain of knowledge there opened, and will go out refreshed and invigorated by draughts from its copious well-springs, to diffuse the blessings of education wherever civilization has travelled.

Though no sectarian theology will be inculcated here, the institution will stand the foster-child of a denomination of Christian people, who in their ministrations have, in their

sphere of action, literally obeyed the divine injunction to "preach the gospel to every creature." Its objects will be education;—that education which qualifies us to meet the practical realities of existence in every lane of life, whatever vicissitudes may await us, enabling us to enjoy the greatest amount of happiness and to accomplish the greatest good; an education which will teach the value of knowledge and humility, the emptiness of superficial gilding, and the low-bred vice of ostentation and vulgar display; which will fit both sexes for the discharge of their varied duties as responsible members of society; an education which has been eloquently described as "a companion which no misfortunes can depress, no clime destroy, no enemy alienate, nor despotism enslave; at home a friend, abroad an introduction, in solitude a solace, in society an ornament; that chastens vice, that guides virtue, and gives at once a grace and government to genius."

Without learning, no one can possess true wisdom, proper self-reliance, or reach the full enjoyment of his rational nature; nor can learning be acquired without proper facilities and intense application. Learning is a jealous mistress, and allows no vicious rival to share in the addresses or affections which she claims to monopolize. She bids her true admirers welcome to her treasures, which are the wisdom of every age and the fruit of every clime; constituting one mighty exchange of thought in a vast storehouse at the world's intellectual emporium. She dispenses her lessons of justice, goodness, and truth, over perversion, falsehood, and disorder; she teaches how to subdue and fertilize the desolate and waste places in our moral existence, and clothe them with perennial verdure and beauty; how to reward the ideals of the heart by a timely and virtuous fruition; how to chasten and subdue all irrational desires; how to turn back upon the bosom the warm, gushing tides of thought and feeling, and change an existence, otherwise barren and blasted with sterility, to one teeming with the choicest fruits; how to render the duties and cares of life agreeable, and the hands of industry productive; how to endure wealth without vulgar pride, and how to robe the cot of poverty with happiness.

The good influence that will flow from this seminary of learning will reach all ages and conditions. In performing its

good offices to the young, it will cheer and gladden the bleak and wintry existence of extreme age, and beguile its solitary hour as it sees the sunlight reflected at its evening. It will nerve the heart of manhood to virtuous resolves, and stamp its moral impress upon the tone and feeling of society. It will rescue generous, confiding, impulsive youth from the snares hidden beneath indulgence, and stimulate his glowing heart to emulate the great and good in the pursuit of knowledge and the performance of honorable deeds. It will beckon, as with a mother's gentle hand, little children within its portals, that their ductile affections may twine around the pure morality which will there be inculcated. Its philosophy, natural and moral, will teach the nature of the laws which govern mind and matter, make plain the value of reason and revelation, and serve to unmask and expel from respectable society the charlatan with his base impositions and impious mummeries, who is quite too successfully plying his nefarious trade upon credulity and ignorance, and thus lop off from our social system a cancerous excrescence which threatens to corrode the vitals.

This institution will stand an enduring monument of the liberal and enlightened spirit by which it was founded. It will bear witness to a just sense of intellectual cultivation and improvement, amidst the engrossing cares of business. Those who contribute to its erection and endowment will be hailed as benefactors of their kind, for they will have opened the temple-gates of knowledge to the young. In what pleasing contrast stand institutions of learning with the palaces and bastiles, the towers and castles, the prisons and mausoleums, of other climes!—with the Pyramids of Egypt, one of the wonders of the world! They stand as stupendous monuments of human folly and ambition;—they tell of the oppression, tyranny, and fraud of the few, over the ignorance and slavish superstition of the many. In their sublime and gloomy grandeur they testify to heaven of the robbery and wrong and outrage in which they were established. But where is the record of the labor which toiled and groaned in their erection; of the blood and tears in which the heartless stones were cemented by order of the no less heartless tyrants who rode over the unlettered masses; of the abject wretchedness, the shivering want and hunger, and starving destitution of women and

children, that the mad ambition of some gilded beggar called a king might be gratified and his infamous memory perpetuated!

But they all sleep together—the oppressor and the oppressed. The rude but gentle hearts that bled under a silent sense of wrong shall bleed no more; but in the day of final retribution, thousands of mothers shall cry out together against their oppressors as those by whom they were bereaved of their offspring; and thousands of children will raise their little hands in testimony against them, for having blotted from their bright heavens the radiance of their birth-star. Though the monuments of ambition and injustice yet stand, they are suggestive only of the sorrow with which their founders afflicted their kind, and tell us that no lips ever whispered a blessing on their names—that no prayer was ever offered to the throne of an infinite God in their behalf, but they went down to judgment cursed by the widow's tears and the orphan's wail. But the monument here founded shall tell in after times of refinement, equality, and religion; of a just, a generous, and enlightened people. No blood shall stain the purity of its design; no involuntary labor shall groan in its erection; no tears of oppression shall fall down upon its foundation stones; no supperless children shall lie down upon their beds of dirty straw; but every influence which flows from it shall be genial and refreshing, diffusing widely around it happiness and joy—bringing gladness to many hearts, and lighting up many domestic hearths.

Education is the Archimedean lever which moves the moral world. There is yet a wide field of labor for the friends of truth and learning, and they are admonished by every consideration which can influence human action never to abate their energies until ignorance, “pregnant womb of ills,” the parent of every vice and every crime, shall be driven beyond the pale of society; until every homeless outcast shall be reclaimed; until every erring soul shall have shining around it the light of moral truth. There is no human form so debased but through suitable influence it may be rescued from its degradation, and taught to look upward for enjoyment. We should “deal gently with the erring,” remembering that he is a man and a brother. The gentle hand leads the elephant by the

hair. Kindness may yet change the current of his earthly destiny, for he is not yet lost forever.

“There is no grove on earth's broad chart
But has some bird to cheer it ;
And hope sings on in every heart,
Although we may not hear it.”

SPEECH

DELIVERED AT DELHI, DELAWARE COUNTY, N. Y., AT A MEETING
OF THE "HARDSHELL" OR NATIONAL DEMOCRACY OF THE
COUNTY, September 29, 1854.

FELLOW-CITIZENS—My errand among you is entirely professional business before the Circuit Court now in session here, and I had no expectation that I should have the pleasure of meeting so large an assemblage of Democratic friends, and the honor of addressing them upon their invitation. But, although I came upon business which demands my attention, and although the political campaign has not yet fairly opened, I am happy, as upon all suitable occasions, to hold counsel with my fellow-citizens upon public affairs. The most active part of my life has been devoted to the public service; when I entered it, my brow was ruddy with the glow of youth; when I left it, my head was becoming whitened with the advance of years. When I returned permanently to my home, at the expiration of nearly fifteen years of official labors, I had been bereaved of half the little household with which it had pleased Heaven to bless me; my domestic altar-lights had become dim, and my private interests crippled by long neglect. My profession, to which I returned, and my private affairs, have demanded my best energies, and my mind has sought that seclusion from exciting topics which my tastes approve. It has been only during some stirring campaign that I have engaged in public discussions; and some questions of exciting interest have arisen and been canvassed, upon which I have not spoken. I have learned to look upon political struggles with more of calm philosophy than partisan asperity. The only end and aim in political affairs, worthy of the pursuit of an honorable mind, is the establishment of sound principles, and organizations for the mere purpose of obtaining office and place are to the last degree mean

and demoralizing. The masses of all parties are honest and sincere; the leaders of all are, in a greater or less degree, selfish and ambitious, and laboring for the attainment of personal ends. Professions of patriotism are cheap and plenty on every side, and the only safe rule for the people is, to judge each party by the fruits of its policy.

As a first step in the political campaign now opening, the national democrats of New York have placed in nomination for Governor, Greene C. Bronson, a gentleman who some time since had the honor of holding correspondence with the distinguished Secretary of the Treasury; a correspondence which my hearers probably remember, and which it is presumed the Honorable Secretary has not yet forgotten. If Judge Bronson shall be defeated, it will be a source of gratification to remember that the National Democracy had a candidate eminently and entirely worthy of their support; and if elected, the first State in the Union will be honored by a Governor who for learning, integrity, and statesmanship, has no superior in the Union; who has been presented for no personal purpose, but as the representative of great principles upon which the National Democratic organization reposes; principles declared and established by Jefferson, and practised and illustrated by Jackson. These principles constitute the platform of the Democratic organization; all can read and understand it, and will respect its manly frankness, if they do not approve its sentiments. Its cornerstone is the Constitution, and its superstructure justice, equality, and truth. These principles may be entombed for a season, but they are sacred in the estimation of the people, and will again come forth, like Lazarus from the grave, and be clothed with health and beauty. The great natural and hereditary antagonism of the Democratic principle is what is now known as the Whig organization. It has had numerous party designations; from the foundation of the government it has opposed every leading Democratic measure, and in the end been compelled to acknowledge the justice and wisdom of the Democratic policy; and among such measures have been the purchase of Louisiana, the war of 1812, the overthrow of the United States Bank and of a protective tariff, the independent treasury system, the annexation of Texas, and the acquisition of California; every one of which has been vehemently resisted by the party acting

in opposition to the Democracy, as destructive to the best interests of the country, but approved by the whole people, including reluctant opposition leaders, as shown by their acts, when brought to a practical test; and yet they enter upon every campaign with some fresh pretension of regard for the public good, some new ground of opposition to Democratic doctrines and measures, and with as much assurance as if their party policy had been that approved by the people and given direction to the government. At the few times they have attained success and got into power, it has been upon the errors of the Democratic party, but they have always gone out speedily upon errors of their own. I fear we are about to lose them, and that they will be merged in the formation of a great, absorbing anti-slavery party; we shall not soon again find a party opponent combining so much personal cleverness and so much political error. Democracy must have an opponent, and I dislike to see one, between whom and myself so many blows have been received and returned, abandon the field, especially as we are constantly getting their best, and they our worst men in exchange. The Whig party has for a considerable time professed anti-slavery doctrines, but this year they have planted themselves more thoroughly upon the anti-slavery policy than usual, and will most inevitably become in the end, in effect, if not in name, a party devoted entirely, in its leading idea, to abolitionism;—it is a party of most convenient capacity—is usually in favor of everything popular or plausible, and now, like the opossum, which conceals its young from danger under a false or double skin, created for the purpose, it is carrying and concealing some half dozen parties, lately littered, in its capacious bosom. Its candidate for Governor, I am given to understand, is an amiable and worthy citizen in all his private relations, but as to his public ability I believe he has never been overrated even by the Whigs themselves.

As to the organization called “softs,”—and I use the terms only as designations—there has been considerable anxiety manifested to know whether their candidate for renewed gubernatorial honors would consent to run. I think that if the report of the proceedings of their convention be correct, there is no difficulty on that subject; for, according to the published accounts, the Governor ran the moment he heard of the nomi-

nation, and at the last report, although they pursued him with the telegraph, they had not yet caught him; and it is fair to presume that the skirts of his coat are yet standing out horizontally in his flight. I cannot but congratulate my "soft" friends on having a candidate who, thus far, has run so well. Their plastic organization, however, cannot long exist, and I invoke the rank and file who are misled by the pretensions of interested leaders, to return to the Democratic standard. Their organization is based upon no loftier pretension than the support of a National Administration which has no more future than a "katy-did." Their convention in Syracuse, though containing worthy men, was under the control of the government appointees—tenants of the New York Custom House, who were there, crammed like Christmas turkeys with government bread and butter, to sing hosannas to the wisdom of the Administration that feeds them—a memorable illustration of the interesting truth that "the ox knoweth its owner, and the ass his master's crib." Their resolution on the subject of Nebraska condemns the measure, and congratulates the country on its passage; and one portion of the party expresses a high sense of gratification that the "infamous Nebraska fraud" is condemned by the resolution; and another portion is exceedingly pleased that in the same resolution the Nebraska policy of the administration is sustained. It would seem that, in its adoption, the convention must have treated the Nebraska question as a celebrated hunter did his game. Seeing an animal which he supposed to be a deer, he fired at and missed it. It proved to be a calf, and his friends jesting him upon his want of skill, in missing a domestic animal of that size, he said he "had some doubts whether it was a deer or not, and aimed so as to hit it if it was a deer, and miss it if it was a calf." Their views of the Nebraska policy are about as clear as those of Jack Bunsby concerning the missing vessel. He said if "so be she had gone down, why so; and if so be she had not gone down, why then so also."

The "Free Soil" party has usually claimed the merit of bringing into power the present National Administration, and although I have heretofore disputed the fact, I am rather inclined, on the whole, to concede it. In the days of the Rev. Mr. Whitfield, an intoxicated man reeled up to him and said,

"I know you, Mr. Whitfield; you are the very man that converted my soul." "Very likely," said Mr. Whitfield; "from your appearance I should judge your conversion to be much more like my work than that of Divine grace." And upon reflection I think the Administration looks much more like the work of the Free-Soilers than of the National Democratic party. The present state of things cannot long continue; the numerous organizations which, in the language of Mr. Burke, are "pigging together, heads and points, in the same truckle-bed," will work their own cure. With the exception of that small, sincere, and fanatical band of Abolitionists, whom "much learning has made mad," and who propose to override the Constitution to put down slavery, there will shortly be but two political organizations in the State; one the National Democratic party, and the other an anti-slavery organization, occupying the place and taking the platform this year adopted by the Whigs. There is not, and will not be, any half-way house. The question cannot be evaded, blinked, or shuffled off. Expedient office-seeking men may scheme, timidity tremble, and power corrupt and purchase, but it must be squarely and fairly faced, and the votaries of the respective principles must range themselves accordingly. Since the embarrassment is upon us, I am glad that the issue is thus to be made up. The National Democracy have enlisted for the war, and will not be driven or purchased off. They will stand precisely by the Constitution, and while they defend and maintain their own position, they will recognize and vindicate the rights of every section, as guaranteed by the great charter of our national existence. I have long since taken this ground as a matter of duty and conscience, and shall hold it, regardless of consequences to myself.

The slavery question, at the foundation of the government, was brimful of difficulty; it is so still, and will, it is to be feared, long remain a fruitful source of irritation. It was compromised originally by the wisest men and purest patriots that ever adorned and honored any country; each State was left to treat the institution in its own way and manner; and in their own good time the people of this and other States abolished it when, and not before, it suited their interest, convenience, and sense of propriety. And now, if we would remem-

ber that the citizens of other States were created by the same beneficent Being as ourselves; that they are to render their final account with us at the same great tribunal; that they are as wise, virtuous, conscientious, benevolent, and just as we; we should save ourselves much gratuitous solicitude and them much useless annoyance. It is conceded that we have no right to interfere with slavery in the States. If not, then why not let it entirely alone? It is as much a violation of the true spirit and intent of the Constitution, and far less honorable and manly, to annoy them constantly with every species of reproach and vexation, from the security of our homes, as it would be to march armed men among them and attempt to put it down by force. If they are entitled to security in this regard, they are entitled to it fully, and not by halves. If we have no right to assault and destroy it by force, we have no more, morally, to do it by the introduction of paper missives and by arraigning them constantly for its existence before the world, than we have to attack it by fire and sword within their own jurisdiction. The one is as much treason to the true spirit of the Constitution as the other. I am aware it has usually been said that the only object is to prevent the extension of slavery; and this question has for a considerable time been a most fruitful source of strife and controversy.

After the acquisition of the Mexican territory, I early saw that the question could never be disposed of in Congress. I adopted for my own guidance, and proposed to the Senate of the United States, to settle it upon the principle of non-intervention, or popular sovereignty, and urged that it was the true policy of the government, in accordance with the spirit of the Constitution, and in harmony with the theory of free self-government, to leave all domestic questions in the Territories to the people of those incipient States. I did not claim that the Constitution required it, for I doubted whether its framers contemplated the precise question; but I insisted that it was in harmony with the spirit of our institutions; and I enforced my positions by the best arguments I could command. And when the mighty agitation which convulsed the country from centre to circumference was finally settled, as it was supposed, by the compromise measures of 1850, it was settled upon the principle of non-intervention which I had enunciated. My ob-

ject was to turn the question out of Congress, where it was a constant subject of contention, setting man against his brother, and arraying State against State; embittering the people of the different sections, and obstructing the public business, and to leave it to the people of the Territories, when, as they become States, they could fashion their institutions to suit themselves. My confidence in the capacity of man for self-government teaches me that he is as well calculated to enact laws for himself as his distant fellow-men are to frame them for him. Though the passage of the compromise measures did not give entire satisfaction to all—one portion contending that the North had been sold to the South, and the other that the South had been sacrificed to the North—yet they were approved and sanctioned by the great masses of the people of every section, as was abundantly established by the subsequent popular voice in Georgia, Mississippi, and other States where the question was directly in issue; and especially by the general election of 1852 the question of the non-intervention policy was put at rest as the policy of the country.

At the last session of Congress a further question arose over the organization of the Nebraska and Kansas territories which were a part of the Louisiana possessions. It has been by many treated of and regarded as a new question, whereas it was merely an old question in a new form. It was whether, in the organization of those Territories, the Missouri compromise line should be repealed. In 1820 the State of Missouri had presented herself for admission into the Union, with a constitution authorizing slavery. Her admission was resisted because of that clause, and the country was deeply and dangerously convulsed by sectional agitation and controversy. It was finally compromised by a provision in substance that Missouri should be admitted with slavery, but that no slave States should afterwards be admitted north of the line of thirty-six degrees and thirty minutes of north latitude. This disposed of the question for that time, and although it long afterwards rankled and served as an element in the politics of the day, the compromise act was never disturbed until its repeal at the last session of Congress. With all respectful deference to those who may think otherwise—and there are many—in my belief this matter of repeal has, in its conse-

quence, been vastly overrated ; for practically, as a mere legislative act, I have never, since I gave the subject consideration, believed it had any binding force, for I cannot find any power delegated to Congress by the Constitution to authorize such legislation. Its whole efficacy, in my judgment, consisted in its having been employed by the patriotic of both sections, by mutual consent, to allay a disturbing excitement and quiet an angry controversy, and in the respect with which it had been since acquiesced in by the people and by Congress, until most of the actors upon the theatre at the time of its adoption had passed away.

In view of the purpose for which it was originally employed, and the ends it had answered, I do not believe that either section of the Union should have sought its repeal without the full assent and coöperation of the other, and especially of the section protected by it, for the reason that it was supposed to separate two great interests ; and although it was enacted mainly to prevent slave States from coming north of the line, in the process of time events had so changed the current of affairs that it could serve no other practical purpose than to prevent free States from going south of it, according to the implied sense of the provisions authorizing the line of division. My views, then, are, that although it had no legal force as an act of Congress, because of the lack of constitutional power in Congress to pass it, yet that in comity and good faith it was obligatory, in a moral sense, until it had discharged its office, or until both parties, and especially the one supposed to be protected by it, should assent to its obliteration.

In speaking of this question, I allude only to that principle of the bill which has so much engaged the public attention—the repeal of the Missouri line. It is not my business or my purpose to pursue the details of legislation, nor to weigh the expediency of the introduction of the measure ; for I am not here to discuss matters of expediency, but to enforce great principles, which can never change. Non-intervention, as a principle, is eminently right and Democratic, and, as I conceive, was declared to be the settled policy of Congress by its action in 1850, and such policy was sanctioned and approved by the popular verdict of 1852. It is then the settled policy of the

country; and therefore it was no violation of good faith on either part for *both* to repeal a barrier erected between them, and make it conform to the non-intervention policy. I have often declared that I supported the non-intervention principle because it was right, because it was true self-government, and not because it would be likely to give a free State here, or a slave State there; but I must express my surprise to see this measure of repeal so violently assailed at the North, when, in my opinion, it is so clearly apparent that, if either slave labor or free labor cross the line, slave labor will not come over it north, but free labor will extend over it south.

This is proved by the geological character and geographical position of the territory; by soil, climate and production, and by the diverse character of the two systems. Slave labor, from its very nature, is slow in its movements, expensive and unwieldy. Free labor marches off with its axe upon the shoulder, and is at the competing point with its improvements, before slave labor is provisioned and equipped for the journey. Slave labor is employed upon the plantation, where heavy investments and expensive outlay are necessarily made to render it productive. If one set of slaves be removed, another must be supplied, costing a large sum, and the material force of the plantation cannot be readily transferred. The free laborer who seeks a home in the Territories has few embarrassments upon his hands, and his capital consists in the muscles of his arm, and his own energy and industry. Slaveholding is timid, and must dwell in communities, and cannot profitably adjoin free States or settlements, much less mingle with them. The tendency of free labor is every day further south, and not of slave labor further north. The intrepid laborers from the free States and foreign countries will flock there to find farms of easy cultivation, in a more genial clime. The land speculator will be there for the investment of his capital, the young and adventurous will go there for the sake of adventure, and, last, though not least, fanaticism, with her loins girt about, and shod with sandals, will, like Peter the Hermit, march at the head of her ardent legions, to rescue this holy land of Nebraska from the grasp of the infidel slaveholder. All this population will rush down there, since the present organization, like the pent up flood when the gates are

hoisted; nor will there ever be from all this vast territory a single slave State formed.

This is all there is of the famous Nebraska question, over which so much patriotic sensibility has been expended. Let, then, every man who has ever been a true Democrat, or who ever intended to be one, see that all the clamor upon this vexed slavery question is but a repetition of the proceedings of 1848, which have given so many cause of regret. Let him adhere to the true National Democratic standard, and obey the Constitution in its letter, spirit, and intent, leaving slavery in the States to those who have it in charge, and upon whom its responsibility has been cast; and as to the Territories, observe strict non-intervention, because it is right as well as in accordance with the whole structure of our government and theory of our institutions; because it will do justice to all and visit wrong upon none; because it will inculcate peace and harmony and friendship between the members of this glorious Confederacy, and because it accords best with the symmetrical framework of the Constitution.

I invoke all not committed to one-idea abolitionism, and all who do not intend to espouse the cause of a sectional anti-slavery party, to join in maintaining the principles of the National Democracy, upon which the Constitution and the stability, peace, and safety of our political fabric rest. And I know well in what latitude and longitude it is that I make this appeal. The Democracy of the County of Delaware, in times past, upon all the great questions of popular liberty and Constitutional right, have ever stood firm as her fast-rooted hills, and won a character of honorable regard throughout the Republic for intelligent patriotism and true devotion to sound principles and the best interests of the country. Their sons—those who occupy their honored places in the great drama of the present, upon whom the high trusts of American citizenship have descended—cannot be less regardful of the eternal principles of truth, right, justice, and equality, nor less highly value the nation's welfare, the great bond of union and amity between the States, the continued harmony and good-fellowship of the different sections, and the approving judgment of mankind.

SPEECH

ON THE MAINE LAW QUESTION.

DELIVERED AT A DEMOCRATIC RATIFICATION MEETING, HELD AT THE BROADWAY
TABERNACLE, NEW YORK, NOVEMBER 1, 1854.

ANXIOUS as I was, Mr. President and fellow-citizens, to see my New York friends, I did not expect to enjoy that pleasure so soon, for I was given to understand, by my invitation, that the meeting would take place on *Friday* evening next. However, I came to the city on business connected with the courts, and that I missed, too. I came just too late for it; but I find that I came in good time for this meeting; and so here I am, to address a few words to you on the subject of our political affairs. This, I understand, is a ratification meeting—a meeting to ratify the State and city nominations. There are others present who understand the affairs of the city much better than myself, and who can with far greater propriety address you upon them. It has been customary on such occasions to discuss great political principles and topics; but I have so recently laid my views before the public, upon general questions, and they have been so extensively published, that it is hardly necessary I should enter upon that branch of public discussion now. It is well known that the National Democracy uphold the great national principles of freedom as opposed to all sectarianism and sectionalism. They have continued to occupy that distinctive position; and now, in national, State and city politics, they stand decidedly and emphatically by those principles. They have nominated their candidates as the representatives of those principles, and they purpose to try the issue at the polls distinctly upon them.

It is stated, by some paper curious in such matters, that about fourteen organizations are now before the public, claim-

ing consideration in the coming election. It is unnecessary that I should go through with the whole list ; I will, however, mention the principal political organizations. There are the Democrats, Hards, or National Democrats ; the Whig party, including all the factions and all the isms, "too numerous to mention," as the auctioneer's advertisement says, and the Softs, or Administration party. The questions which they fain would press upon us are not the great measures and principles of government which we have been accustomed to discuss ; but issues which have been facetiously denominated by a distinguished member of the present national administration as "the battle of the kegs." It is said emphatically, and with considerable truth, that the issues in the coming election are to be : "Bronson and good liquor," "Seymour and poor liquor," and "Clark and no liquor at all." These propositions having entered so largely into the political contests in our State, they seem to require discussion.

I had almost forgotten to add that there is another very important issue raised—as I have seen by the public prints—or rather a side-bar issue, as the lawyers would say ; but it is nevertheless an issue of great importance—that is, as to where one of the gubernatorial candidates was born. I recollect that the celebrated Yankee poet, William Ray, in giving an account of his captivity and the abuses that he suffered in a Turkish prison, wrote what he called an exordium. He therein said what may well be repeated of this candidate :—

"That I was born you well must know,
For any fool could tell you so ;
But more, perhaps, you wish to hear,
The day, the month, the hour, the year.
All this I very well remember ;
'Twas on the ninth day of December ;
And just, if you'll believe my story,
As chaste and blushing fair Aurora
Burst the dark arms of negro night,
A Ray from darkness peeped to light."

Now whether any of this will apply to the individual alluded to, I leave those who are curious in such affairs, and to those most interested, to wit, the Whig papers, to ascertain. There

is no doubt that the candidate was born somewhere, and when they have ascertained exactly where—the time, the place and the circumstances—I hope they will be satisfied, and not trouble the public any more with that issue.

The Democratic party has gained its high position before the country for having rejected and repudiated all “isms.” It has not been a temperance party exclusively, because it has regarded temperance as but one of the social virtues that are to be inculcated and practised. It has not been a liquor party, because it has considered the liquor interest as being but a single one, among many, to be recognized and cared for. Its province and policy are to protect and preserve all interests and lop off all abuses, and to found its position on no one-ideativeness in any respect or particular whatever. It has rejected abolitionism, sectarianism, and every ism that has figured in the catalogue of factions. Hence its strength; hence the favor it has received from the people, from the foundation of our governments, State and national; and which it will continue to receive so long as it leaves all these detestable isms to be taken care of by those to whom they legitimately belong—by those who are not satisfied with the great national principles on which government should be administered, and on which our State and national affairs have been conducted—those who wish to seek out some new inventions, and to climb up to success in some other way.

I shall not have time to discuss the merits of all the numerous candidates in nomination in New York, and therefore I will take up the leaders—say the candidates for Governor. And first, Greene C. Bronson, a name of which every citizen of New York, every citizen of the nation, may well be proud. Standing on an eminence of judicial integrity, of learning, of high capacity, from our earliest acquaintance with him down to the date of his last public official act, when he had certain correspondence with the Secretary of the Treasury—who does not look upon his whole career with pride and with satisfaction? And if he should be elected, what citizen of the State is there who will not feel proud of the chief magistrate of the State? He stands forth as the representative of Democratic principles—of National Democratic principles—opposed to sectionalism, abolitionism and temperance, in its ultra and forced significa-

tion ; but in favor of all those great cardinal principles on which the Democratic party has reposed, and on which it will continue to repose and to rely for its strength and vindication. The position which he occupies before the public on the liquor issue of the day—if I may be allowed the expression—is that which the Democratic party has ever maintained on this and similar questions. It is one not for destroying, but for protecting ; for lopping off abuses and preserving interests. It is not for fanatical temperance principles ; it is not for unbridled and unlicensed traffic in liquor ; but it is for correcting and adjusting all abuses as they may appear. The position of Greene C. Bronson is such as the common-sense of the country will approve, and as the Democratic feeling will applaud and support. It stands in broad contrast with that of Myron H. Clark, the author of—or, at any rate, the man who presented in our State Legislature that abortive and ridiculous measure, the Maine liquor law.

The Whig party is like a play-actor breaking down, and who, having failed to draw full houses in his old characters, announces that he will appear in some half dozen different characters in appropriate disguise. It is going to play as Whig, as Abolitionist, as Maine Lawite, as Free Democrat, as Free-soiler, as Anti-Nebraskaite, and I do not know in how many other different characters—very numerous, however—all in the person of Myron Holly Clark, its candidate for Governor. He has been nominated so many times that he must be fairly worn smooth with nominations, commencing at the fashionable watering place of the State—Saratoga—and bringing up at the State Prison city—Auburn. Every faction that has been heard of in this age prolific of factions, has honored this man with a nomination. And why all these nominations ? They have simply congregated together all these interests for the purpose of fastening the Whig policy on this State. Well, whether they will succeed remains to be seen.

It is not to be denied, and it is creditable that it is so, that there is a feeling, a strong moral feeling—there always has been, and there always will be—in behalf of the cause of temperance. That moral feeling was making rapid advances in the cause of reformation a few years since ; but those who cannot let well enough alone—who are restless, uneasy, fanatical—and

who wish to raise the stream higher than the fountain from which it flows, must resort to legislation; they must cast this question of fine moral sentiment upon the turbid waters of political strife. And thus they have retarded the cause of temperance reform for a quarter of a century, at least, by their ultraisms. We do not allege this against them as men; we hold it to be a mistaken policy, and condemn it as an attempt to fasten a mistaken policy of government on the country, by calling in this moral question to their aid, and prostituting that sacred sentiment to the base uses of party.

But there is the third political party—the Softs, or Administration party. I will not stop now to discuss the merits of the *Administration*, for I have not time to meddle with insignificant matters. The Administration *party* of this State, being in the general category of decaying substances, have sought some mode of preservation, and, finding no other means more available, have taken refuge in alcohol—knowing that to be one of the best preservatives and the best suited to their condition. They seem to be, according to all accounts, in better spirits than they were; not because their spirits bear the Custom-House brand, for I believe they have taken the brand off the casks and put it upon the candidates. And their candidate for Governor—the present Governor of this State—has placed himself upon this bung-hole issue alone. His declaration on the subject is equal to that of his illustrious predecessor, Jack Cade, who declared that in his reign the three-hooped pot should have ten hoops, and that he would make it felony to drink small beer. The Governor is the declared champion of that interest. He seeks to gain a victory thereby—a party victory; a victory for the Softs, or Administration party, a victory which would have to be estimated by the quart, or measured by the gallon.

I have already stated that the Democratic party places itself on no such issue; and I repeat what I have said, that such an issue is disgraceful to the State of New York, and to any party which presents itself upon it. And this I say, knowing what I say, and in whose hearing I say it—that of the liquor dealers themselves. And I will have them to agree with me in a moment, if they only listen to me. The Democratic party is adequate to the reformation of all abuses in the government. It is adequate to the protection of every class, and every in-

terest, and every citizen. And no one interest and no one class is entitled to an exclusive protection.

What right has the liquor business to come forward and ask that a particular and exclusive issue be made over it? It has none. It is but one of many interests. It is an interest requiring to be more carefully guarded than any other. It is one liable to more abuses than most others. But it has no right to require more than that, with all other interests, it shall be guarded, and that what is right and just accorded to it. The Democratic party are opposed—and I am opposed—to the Maine liquor law, or any other fanatical legislation, in every form that you can present it, without any circumlocution or mental reservation. That is enough. It is all that the liquor interest has a right to demand; and so long as it stands by those who are willing to protect it, it will be so protected. It has no moral right to ask protection for itself exclusively. No interest before the country can stand in this way; and least of all can the liquor interest so stand. It should be protected in all its just rights; it will be so protected so long as the Democratic party of the country have the power.

Look to the history of the National and State legislation of the government. For three-fourths of the time, at least, has the government both of the State and Union been exercised by the Democratic party; and, I ask, on what interest has it ruthlessly laid its hand? What interest has it thrown down? What great interest has it rooted up? None whatever. But let any interest—and particularly one liable to so much abuse as this liquor interest is—raise an issue on its exclusive protection, and it will be overthrown by the moral feeling of the country. It cannot fail to be overthrown by it; and whatever interest thus makes an exclusive issue deserves to be overthrown.

Now the great mass of our fellow-citizens—the great majority of the reasoning men of all parties—will go along together to preserve that interest, with other interests. And they will go on the old beaten democratic track, preserving every interest, protecting every class, lopping off abuses from all, and sustaining and protecting all alike. No interest has a right to demand that we should do otherwise; and whenever a class steps out from among the great brotherhood of interests that defend each other, and asks especial protection, that moment

it will be set upon by its enemies, and eventually overthrown. And if one tithe of the effort had been made use of to sustain the true democratic principles which has been to overflow the country with defiled liquor, there is no doubt but that Greene C. Bronson would be elected Governor of the State, by such a majority as has not been seen for the last quarter of a century. It is not yet too late to do it. But while the democratic party discard the ultra temperance party on the one side, they also discard the ultra liquor party on the other; they would treat that interest as they would any and every industrial pursuit—reform its abuses and protect it in all its rights. Is not that all that it has a right to demand? And if that interest and the great mass of interests in the community separate, and it attempts to claim exclusive protection through a party organization, it and political temperance will come in collision—fanaticism and ultraism on the one and the other side; and if both are not destroyed, one or the other will be; and it will not be very difficult to predict which.

What brought the Empire State—the first State in the Union—to the proud and prominent position which she now occupies? It was not by fanaticism or spurious temperance on the one hand, nor by ultraism and spurious liquor upon the other. No, sir; it was by going on in the old democratic track, protecting and fostering all *valuable* interests *alike*, and giving exclusive protection to no one. The honest importer and those who deal in liquors should think of their own interests—they should look at the morality of the issue, and see that reason and sound policy demand that they should in this contest, in common with those with whom they have in times past stood shoulder to shoulder, exert their strength in behalf of democratic principles, their party and their country. I invoke them, as honorable men—as I know many of them to be—to give up this bootless crusade—one which can only tend to array them against the country, which will be destructive of their interest and of the interests of society, injurious to them and to the morals of the community—and to come back to those who protect them, and who will continue to protect them in all that belongs to them that deserves to be protected. The democratic party will not turn aside from its great purposes to protect that interest in especial; nor will any considerable number of any party. Come

back, I say, to the democratic fold, and range yourselves under the democratic banner, where all abuses shall be rectified as far as practicable, and where all classes shall be protected and guarded in their just interests. Fanaticism will always, if time be given it, overflow its own boundaries, and its excesses bring their own cure. If one such bill as the Maine liquor law bill should pass a Legislature—if one such bill should be signed by a Governor—how long, pray tell me, would it be, before every vestige would be swept from the statute book? There is a spirit of freedom abroad. The principle of the democratic party to protect all interests fairly and justly alike is so deep, so broad, so wide-spread in its influence that it will never allow a material industrial pursuit to be abolished without the consent or the fault of those materially interested, and nothing but the most flagrant abuses on the part of the liquor dealers themselves will bring about such a juncture.

It is true, my fellow-democrats, that on looking abroad through the Union, the democratic party seems to have been overthrown. We all know the cause of that. We are held responsible by the people for the commission of a very great error in our rulers—not our rulers, but our servants. We are responsible for that error; and the people have held us responsible and brought us to judgment. It is no matter how gravely the error may be characterized, but no one should be filled with consternation and alarm because the elections have gone against the democratic party in the various States of the Union. The administration of the national government has been voted to be a failure. The people have passed judgment upon it, and they will not consider that they have had satisfaction by execution, until its power has been overthrown in every State in the Union. But it is no time, my fellow-citizens, when the ship of state is beset by storms, to abandon her. When she is afloat upon a prosperous sea, and when the crew are joyous—when her colors are flying and every sail is set, and she rides before a prosperous breeze, then all is going well, and a faithful crew may well relax their energies and their solicitude; but when the storm comes, when the tempests howl, when the officers prove treacherous, or imbecile, or incompetent, when some of her crew are mutinous and the truest are driven to their wit's end, it then becomes those who are faithful to endeavor to place

the most brave-hearted and trusty at the helm, and bestir themselves to see that she is well taken care of. Let no one abandon the ship because she is in peril. Let all stand by and each declare, with the gallant Captain Luce, that "the vessel's fate shall be mine!" And who would not choose rather to be one of that hapless crew of the Arctic—that fated vessel—to go down in the ocean with her, rather than one of the cowardly gang who fled with the means that should have been employed for the rescue of the women and children? Who would not rather be with those who went down, with none to tell the story of their end in the caverns of the mighty deep, than among those who took the life-boats designed for the safety of the gentle and trusting, and, like cowards as they were, fled to save their own lives, and left all behind them to destruction? Who in the democratic ship would not rather stand by and go down with her, than to turn his back upon her because she is seriously in peril?

It is a time now, my fellow-citizens, when democrats should stand by their noble ship; and they may rest assured, if they do so fearlessly and faithfully, she will be carried through in safety and triumph. Let what may be the cry, turn not aside from the great beaten track of democracy. Our duty is plain; reject all isms, all peculiar and exclusive interests, all cliques, all sections, and march forward with the body of the great democratic party. But we may be overthrown, it will be said. What, supposing we are overthrown? This is not the end of all things; and if it were, how much better to be sacrificed nobly and in a noble cause, than fly like base cowards in a time of trouble? Suppose we are overthrown, we can rally to the charge again—rally like men, and attain great ends. We may be dispersed by hostile foes and false friends, but we shall rally another day to the charge, and then.

"Woe to the riders that trampled us down!"

The democratic party is simply disorganized. Its genius is neither asleep, nor has it gone a journey. It is destined to rally and at no distant day, with more power than ever before; to achieve greater triumphs than it has ever achieved, because it has more fools, and more isms to achieve them over. It has fallen to pieces, because, in its great victory of 1852, it had no

other foe to conquer. Its heel was upon the neck of sectionalism, which, if it had not been revived and fanned into new life, would have lain there prostrate still. Like Alexander, it mourned that it had nothing more to conquer; but its old foe has risen up again; like the dragon's teeth, its mischiefs have been sown far and wide.

The democratic party has a new battle to fight. It is called upon to buckle on its armor and take the field anew against every ism that has grown up from the organization of the government to the present moment. Though defeated once and again, they renew the struggle, and who would not be proud to be first and foremost in the great contest? Who would not be proud to be one of the combatants in that great battle for liberty? To preserve inviolate the Constitution against sectionalism in national affairs; to protect every interest in our State policy—not only as regards this domestic question which we have discussed, but every other affecting the social well-being; to promote justice, temperance, charity, goodness, truth; to stay up every hand and to correct every abuse; this is the mission of the democratic party; nothing more and nothing less. Its candidates in the field have been placed there not as candidates merely, but as the representatives of great principles. They are nominated because it is believed they will represent those principles truly. They are placed before us upon no temporary issue, that commenced in an ism and is to end in one; that originated in the last session of the Legislature, and will have its quietus in the next; but upon principles which concern every individual, every man, woman, and child in Christendom. The ship of state in which we are embarked is freighted with a precious cargo. Every one should endeavor to preserve her, and speed her upon her great errand, carrying the glad tidings of great joy throughout the world—preserving, upholding, and diffusing the principles which have been so successful here—not principles which begin and end in such miserable and narrow questions as that relating to the manufacture or sale of foreign or domestic liquors, but which embrace all interests, all peoples, every section of the globe—principles as broad as the universe and as universal as truth. These principles, my democratic fellow-citizens, we are called upon in this contest to uphold, to cherish, and sustain. It is not the

election of Greene C. Bronson, or the defeat of Myron H. Clark, or whether one man shall drink liquor and another none; but the great principles of democratic equality and constitutional liberty which protect all, uphold all, and rectify all errors and abuses, and they alone are at stake.

Greene C. Bronson stands forth as the exponent of the principles which I have endeavored to inculcate. Myron H. Clark is the champion of his party, with all the isms of the day combined, and stands upon them as the issue alone. Now I call upon my democratic fellow-citizens—and I go farther—I call upon every man of sense and honesty to come forward and say what principles he will maintain in this contest. If beside the great and vital principles to which I have alluded, he would uphold temperance also, but does not wish to join fanaticism with it, but to take a rational and practical view of the question, to preserve and regulate but not destroy the interest, he will support Greene C. Bronson. If he would support Abolitionism, Sectionalism, Maine Law-ism, Woman's Rights-ism, and every other ism that can be conceived of, let him vote for Myron H. Clark, and, if his election be secured, he will have them all mixed together in one universal drag-net. If he desire to place himself upon the liquor question alone, to have his whole political action tested by liquid measure and gauged like a beer-barrel, to have everything determined by its bearing upon the liquor question and degraded to a liquor issue before the country, let him support Horatio Seymour.

But I devoutly trust that this contest will be determined upon no such degrading issue. I trust that the interests, the principles, and the moral feeling of the country are against it. The interest of the liquor dealer is simply, that he have all his rights preserved to him, and nothing more. If he would secure this, he must stand by and help to preserve the rights of others. Men surrender many of their natural rights for the preservation of their social and political rights. Other interests demand the aid of the liquor dealer as much as he demands theirs. Then let all associate and go together, in order to preserve all; but not ask that any one interest be made paramount, either in opposition or support. All that is at issue is in the keeping or under the control of good men, if

they will act together and act efficiently. But when they separate themselves into sections, they are cut up in detail and their influence broken and destroyed. I invoke you, fellow-citizens, in repetition and conclusion, to act together upon this question. It would be a disgrace to see New York, the Empire State of the Union, forgetting all the great interests of society, go off upon the retail liquor question. It might do for Neal Dow and his Maine Law-ites ; but would be too much for us to abandon every other interest and every object of great and general public consequence, and make this the great controlling issue of the time.

I thank you, fellow-citizens, for the honor of this enthusiastic reception, and for the patient hearing you have extended to my remarks.

SPEECH

AT A MASS MEETING HELD TO RATIFY THE NOMINATIONS OF
THE CINCINNATI CONVENTION.

DELIVERED AT THE COURT-HOUSE IN BINGHAMTON, N. Y., June 21, 1856.

MR. PRESIDENT AND FELLOW-CITIZENS—The exercise of the popular franchise, at all times a subject replete with interest, becomes so in a tenfold degree to the American people when the period approaches for the election of Chief Magistrate of the United States. It is indeed a spectacle of imposing grandeur when nearly thirty millions of free people, composing thirty-one sovereign and independent yet united States, acting in obedience to a constitution and laws of their own voluntary construction, proceed in concert to the election of President and Vice-President by the declaration of popular opinion. No bayonets bristle, no martial airs fall upon the ear, no sentinel guards this portal of liberty, no civil process even is permitted to disturb or intimidate the humblest elector; but he deposits the ballot for the candidate of his choice, the popular heart swells and throbs for a moment with the pulsations of a mighty struggle, as the balances vibrate—the result is declared, and no trace of the agitation remains save in remembrance, and the administration is approved or condemned as it deserves or disappoints the confidence by which it was created.

The beneficent Being who rules over us has given us a land abounding in all the elements of good; stretching from beyond the Great Lakes to the territory of the Montezumas—from the St. John's to the Pacific; embracing almost every variety of soil, climate, and production, and teeming with a free, happy, and intelligent people. No standing armies dis-

figure and demoralize; no grievous taxation consumes; but industry enjoys its liberal reward, the means of education are laid at every door, and each worships God according to the dictates of his own conscience. Contrast for a moment this happy condition with the despotisms and monarchies of the earth. See their self-created, consuming, pensioned aristocracy; their standing armies, crushing out the life-blood of the people and wasting their own in unholy and murderous wars;—their system of taxation which robs labor of its reward and rolls on its ponderous chariot-wheels from generation to generation over the necks of a subjugated people, regardless of the cry of breadless children who have long raised up their little hands in judgment against it; and when we have looked upon and contemplated both systems, we shall be the better able to appreciate the value of the institutions under which it has pleased Heaven to cast our destiny, and to determine whether a fountain from which so much goodness flows is worthy of preservation. It was the fruit of a great and mighty struggle waged by opinion upon the king-craft of earth. Its guaranties were written in the heart-blood of patriotic devotion and sanctified by the tears of widows and orphans. Its Constitution was framed in the spirit which inspired the Revolution; in that exalted patriotism which yields individual advantage for the general good, and temporary and minor benefits to those more comprehensive and enduring. O, that it might be upheld and all its provisions maintained in the same generous spirit of true national liberty; that the last vestige of sectional spirit and strife might be banished from amongst us forever, and that we might go on our way in the discharge of liberty's benign mission, to the consummation of that glorious destiny before us.

In obedience to usage, as the Presidential election approaches, the several political parties have entered the lists and placed their candidates in nomination. The names of Buchanan and Breckinridge represent the Democratic party; Fillmore and Donelson the American, and Fremont and Dayton the Republican. If the question were merely whether one or the other of these tickets should be elected; whether one or another should enjoy a high office and administer the government and distribute the patronage; however great the

choice might be between these individuals, the great mass of the American people as such, would care very little for the contest, and few would participate in it except those moved by considerations of personal friendship, or the expectation of sharing in the distribution of the treasury rewards. But it is a question shooting deeper and rising higher than individual merit. It reaches down to the foundation upon which rests the ark of our political safety. It is interwoven with the fabric of our social structure, and interests every being associated in this great political copartnership. The ensuing campaign presents one of a series of struggles for the maintenance of sound principles which have signalized the history of the country, and rendered memorable the triumphs of the Democracy. An old line Democrat, with no claims to extreme partisanship; personally acquainted with all the candidates, and having been associated with most of them in the affairs of government, I propose to treat of them in their representative character merely, regarding them personally for all the purposes of this discussion as equally of good character and fair ability.

The Democracy may well contemplate the ticket presented by the Cincinnati convention with pride and exultation, and not only ratify the nominations, but applaud them to the echo as nominations worthy of the leading party of this great republic; as nominations suited to the temper of the times and demanded by the spirit of the people. James Buchanan, just placed in nomination for the highest earthly station—the first office in the gift of a free people—though in the true sense of the term a gentleman of the old school, of pure morals, familiar address, and cultivated manners; of finished education, strong ability, conceded statesmanship, and long experience, is not supported merely because of his eminent fitness to adorn and discharge the duties of the station with which his name is associated; but because he is the chosen standard-bearer in a contest for principles which the Democratic party believe are not only best calculated to advance the interests of the country, but essential to the preservation of our free institutions. Nor is his worthy associate, John C. Breckinridge, the young, gallant, and chivalrous Kentuckian, whose future is so full of hope and promise, justified by the

fruition of the past, supported for his manly and generous bearing, his glowing eloquence, his able and vigorous discharge of public duties ; but because he has been deemed worthy by reason of the integrity of his character to stand the representative of principles to which his life has been devoted.

If I read aright the signs of the times, the candidates of the American party, Messrs. Fillmore and Donelson, of whom I speak with high personal regard, will, when the day of trial comes, scarcely bear a part in the contest ; and it will be more profitable to discuss the great issue which we have so often met in a variety of forms, and which we are again to combat in the hands of the same old enemy, under a new name and a new disguise. The ancient and hereditary opponents of the Democracy have never had but one consistent settled line of policy, and that has been unyielding and relentless opposition to the principles of the Democratic party. Every great and beneficent measure which has been instituted in the history of the government has been of Democratic origin. Every considerable abuse which has been checked, every considerable reform which has been practised, have been the fruits of Democratic administrations. And yet every leading Democratic measure in its progress has been resisted with the same systematic virulence ; every proposed reformation has been characterized as mad and revolutionary, and every attempt to check abuses has been denounced with as much noisy zeal and ill-tempered vehemence as signalize the denunciations of the present day and present hour. And it is eminently worthy of remark, that not a single leading Democratic measure, from first to last, has failed to meet the approbation of the people ; and if our opponents had the power, there is not one of them which they would venture to disturb. In this contest with the principles of Democracy, they have from time to time assumed, worn out, dishonored, and cast off almost every conceivable name ; they finally harnessed the name of Whig and rode it hard, as one does a borrowed horse ; and when it was worn, tired, jaded, and about to expire from ill-treatment and hard usage, a crisis in the affairs of the country aroused the patriotism of the lamented Webster and Clay and their associates, who, stepping aside from their party associations, in connection with Democrats, raised their mighty voices in

support of the Constitution and the rights of sovereign States, and faction slunk away again to her hiding-place. From that day forward the tarnished honor of the Whig name revived; but its illustrious leaders were no more. The name was too replete with patriotic associations for a party whose stock-in-trade was traffic in the public peace; and in this instance the name really wore out and cast off the party, and not the party the name. It was time too for a new designation; all had become accustomed to the old disguise; no recruits filled up the ranks, depleted by desertions to the Democracy; even gudgeons declined to bite at a hook thus baited, and hence a change was imperatively required. Well, they retire to rest as Whigs and Abolitionists, and wake up "Republicans!"—not red Republicans, after the fashion of France and Germany, but Republicans more sable than sanguine in complexion. Borrowing for the occasion a mantle of sombre hues, and foldings sufficiently ample to cover a multitude of pretensions, at least, they claim to be a new party, devoted exclusively to the cause of freedom. The same voices which were attuned to ribald songs against the immortal Jefferson for the Louisiana purchase; which were hoarse with curses against the war of 1812; which sung funeral dirges over the prostration of the United States Bank; which denounced, arraigned, tried, condemned, and would almost have executed the patriotic Jackson for his warfare upon that hideous monster; which cried aloud on the annexation of Texas; prophesied national and individual bankruptcy in the revenue tariff of 1846, and insisted upon final and irretrievable ruin on the acquisition of California, are making night hideous with outcries against the Democratic party, its principles and its candidates, and in singing hosannas to Fremont and freedom! Of Col. Fremont, their candidate, emphatically theirs by the highest title known to civilization—the title by discovery—or of Mr. Dayton, his associate, for whom I entertain great personal respect, I have little to say, except that the experience of the former with the affairs of government is too limited to make him either a suitable or safe person to administer the government of this Republic. That he possesses merit as an enterprising pioneer traveller and successful borderer, and has endured the hardships and privations incident to such a service, is conceded; but

these, however meritorious of themselves, must be regarded by all sensible men as feeble evidences of statesmanship.

The government of the United States from humble beginnings has become one of the great powers of earth. The unwilling admission has been wrung from monarchy that the mysterious problem of self-government has been solved successfully, and we stand now as well the admiration as the envy of the world. The agitations amidst the decaying governments of Europe; the struggle of crowned heads for existence, and the combination formed to preserve the balance of power between them, and to watch with the eye of jealous hatred the vigorous progress of our people, has rendered the subject of our foreign relations so delicate, difficult, and complicated, as to require the highest order of statesmanship. Our relations at this moment are precarious and unsatisfactory with England, France, Spain, and Denmark, and we are menaced with war. Questions of serious moment, requiring extraordinary prudence, sagacity, and the aid of large and familiar experience in their treatment, are pending, and many of them must remain subjects of greater or less irritation for years. Col. Fremont has no qualifications whatever for the discharge of such duties, nor have his pursuits permitted him to have. Mr. Buchanan, it will not be denied, has qualifications of the highest character. Questions of domestic origin, too, of alarming import are agitating and convulsing our otherwise happy country; arraying State against State, section against section, brother against brother, and man against man. In short, the aspect of affairs at home and abroad admonishes us to the exercise of wisdom. In troublous times the ablest and most experienced sailor should be selected for the helm, if we would outride the tempest. Mr. Buchanan's life, after retiring from the bar, where he stood unrivalled, has been devoted to the public service—not in places of pecuniary emolument, but in those of a responsible representative character, requiring in their successful and honorable exercise talents of a high order, and those qualifying the incumbent to discharge the duties of Chief Magistrate with satisfaction and honor to the country. There are no catchwords or clap-traps associated with his name or history; but whether in the councils of his own noble State, whether the representative of his district in Congress, of his

State in the Senate, of the nation as premier, or of his government at the ablest court in Europe, he has stood side by side with the most honored and respected. In the forum he was the peer of Wright, Calhoun, Clay, and Webster, in the days when intellectual giants shivered lances; in the cabinet, of Peel, Nesselrode, Russell, Palmerston, and Clarendon. Even his nomination has inspired the country with confidence, for the people regard him as a statesman and not a mere politician. They are familiar with his career; they revere his prudence, wisdom, and learning, and admire his statesmanship, and not only will he be supported by all true Democrats, but by all conservative Whigs who are unwilling to forsake a national to rally under a sectional standard; by all who love their country and desire to preserve its institutions.

Not being able to question the integrity of his character, the purity of his life, the wisdom of his public conduct, our opponents content themselves with asserting that he was once a Federalist, and that in a speech in the Senate on the sub-treasury question he declared that the wages of labor ought to be ten cents a day. These grave charges will be treated of in their order. As to the first, I scorn to inquire what were Mr. Buchanan's opinions in early and other times upon questions that have passed away with the times and events in which they originated. Political associations with the young arise oftener from social relations than otherwise, and Mr. Buchanan's were quite likely thus influenced. The old Federal party, with all its heresies and errors, had one redeeming feature which its successor has not. It never stooped to foment sectional strife and disunion over the question of negro slavery, and it would be a decided improvement if Democracy could find an opponent so high-toned and elevated in its opposition to its principles. What we have to do with now is the practical responsible history of our candidate as a man and a statesman since he entered upon the great theatre of public life. In 1812 Mr. Buchanan volunteered and bore arms in defence of the country. He was from the first a warm supporter and a friend of General Jackson, that model Democratic leader. He enjoyed in a high degree the confidence of that most eminent patriot, and was by him honored with distinguished marks of favor. For thirty years and upwards he has

been an active, uniform, and faithful member of the Democratic party; one of its great acknowledged leaders—fighting its battles, promulgating its doctrines—in favor and sympathy with its masses; has been laden with its honors; has withstood the assaults of its opposers; and has finally, in a time when none but true and tried men are trusted, been unanimously selected at one of the ablest national conventions which ever assembled, the Democratic standard-bearer in the stirring campaign of 1856. If any one can challenge a record so extended, so complete, and so spotless, let him be presented.

The charge that Mr. Buchanan, in the Senate, upon the sub-treasury bill, or elsewhere, advocated the reduction of the laborer's wages to ten cents a day, has at all times been pronounced by him as a wanton fabrication out of the whole cloth, and it certainly has not the slightest shadow of authority. The speech in which it is said he made the ridiculous declaration—a declaration, I venture to say, never made by any sane man in the United States—stands on record fully reported in the Congressional Globe. I read it at the time it was delivered, and have perused it again, and that carefully, within the last few days, with entire satisfaction; and I invite every one within the hearing of my voice to read it too. If Mr. Buchanan had no other or higher claims to statesmanship than are furnished by that speech alone, his friends might safely rest his claims upon it. I would it were in the hands of every elector in the United States. It will stand as a monument of wisdom and justice so long as the ink shall remain faithful to its trust, and live when its maligners and assailants shall be forgotten.

The sub-treasury reform was one of a series of Democratic measures. It was assailed by our political opponents with all the violence which characterizes assaults upon our measures of the present day, and with tenfold more manly ability. It was asserted by the opponents of the bill that it would, by reducing the circulating medium to a metallic basis, curtail and cripple business interests, and reduce the wages of labor to a standard with that of European cities, and our laborers to a level with the "paupers of Europe." Mr. Buchanan, in his advocacy of the measure, took opposite ground, and declared that its office would be beneficial to all the great interests of

the country, especially to the wages of labor; that it would operate as a healthy check and regulator upon undue expansions; preserving and regulating sound banking institutions; exposing and winding up the fraudulent and insolvent; and giving to the farmer for his production, the mechanic for his wares, and above all the laborer for his wages, either specie or its equivalent in convertible paper. There is not in the speech or round it or about it one single word of assertion or argument advocating or approving of the reduction of the wages of the laborer, nor anything which can be tortured into such an idea. On the contrary, it is an able and statesmanlike view of the whole question; replete with evidences of experience in and familiarity with the industrial pursuits of life; advocating the bill because of the protection it would give to the laboring classes and the guaranty it would furnish them against fraudulent and bubble banking. The anticipations in which the speaker indulged have been fully realized, and had he been gifted with prescience he could not have more truly portrayed the benefits which were to result from its enactment. Those who are now inclined to listen to opposition croaking against Democratic measures and Democratic candidates might derive great profit by turning back and perusing the lugubrious warnings and oracular prophecies which then as now were thundered against us. It is the same old song by the same choir, set to a different tune. Drive them from their personal objection to our candidate, our opponents, according to invariable usage, if not a natural instinct, fall back upon the Democratic party and its principles; accusing it of sins of omission and commission, which, if they are to be believed, are always great on the eve of an election; and proposing, themselves, to take the government in charge and administer it according to the principles of Fremont and freedom! It is charged by these self-heralded, self-constituted, and self-named "Republican" champions of liberty with being at war with the best interests of the country; a *pro-slavery* party opposed to the principles of freedom, and especially in favor of the extension of slavery! The charges will be answered in their order.

It is doubtless true that the great masses of the people of all parties, however diverse or mistaken their sentiments, are honest in the opinions they entertain. This difference of

opinion is consistent with the integrity of all. It arises as well from inherent causes as from education, association, and unseen influences. It is not only to be tolerated but should be regarded as profitable—nay, essential to the preservation of our liberties. The day that finds the American people exempt from an active interest in political affairs will be one boding no good to the Republic. It is doubtless true, too, that the great majority of political leaders of all parties are influenced in a greater or less degree by considerations of personal ambition, and the hope of gaining power for their party, if not for themselves. Those, then, who would pursue a course best calculated to advance their country's happiness, interest, and honor, must look on with a calm and dispassionate judgment, and determine for themselves which political party will most surely contribute by its principles and policy to the desired result. They must look back on the history of the past, and see what political parties have accomplished; they must contemplate the present, and, from the experience thus gained, forecast the future. Democracy fears no analysis of her principles, no exhumation of her history. She may at times have selected unfaithful or incompetent agents, but this is an incident to all human institutions, and is no evidence against Democratic doctrines. Her principles will stand the tests of fire and the inquisitions of the crucible, and come forth as gold seven times tried. They are the political new testament upon earth—the principles of true rational liberty, equality, freedom, and peace. None can stand so high but they reach up to wrest from him the tyrannical exercise of power; none can be so lowly but they will stoop down to console and protect him. They inculcate a simple and frugal government, restrained within its own legitimate boundaries; confined to the exercise of legislative, executive, and judicial functions, leaving the common pursuits of life to be regulated by the laws of trade—by demand and supply. They build up no overshadowing swindling monopolies; they wage no war upon private interests or pursuits; they give to thrift the enjoyment of its accumulations, and to labor the bread it has earned. They preserve the masses from the curse of grinding taxation, and diffuse protection to life, liberty, and pursuit of happiness as equally and impartially as the genial beams of sunlight.

They regard man for his positive worth, and inquire not for his birthplace nor for the religious creed he professes. They require strict fidelity and rigid and prompt accountability in all public functions, and the frequent return of power to the original source. In our relations with the nations of the earth, they ask nothing but what is clearly right, and submit to nothing wrong. They regard peace as one of the greatest blessings which Heaven has vouchsafed to man, and war, except when it is waged to disenthral a people or to avenge some great national indignity, an unmitigated evil. The taxation which it originates, the violence it practises, the destruction of life and property it causes, the women and children it bereaves of their protectors, the inequalities it indulges and justifies, and the demoralization which follows in its train, are all inconsistent with the benign principles of true Democracy.

The Democratic party is neither a slavery nor an anti-slavery party. It upholds the principles of the Constitution and all its compromises and guaranties in good faith, and respects the rights of independent, sovereign States—sisters united in a great Confederacy. But a few years since the institution of slavery existed in New York as well as in Virginia. The people of New York abolished it without aid or interference from other States, and Democracy is willing that other States should, like us, be judges of the matter for themselves. Democracy believes in the practical as well as theoretical capacity of man for self-government, and that each political community is better calculated to govern itself upon principles of true freedom than any other community is to govern it.

The Democratic policy has carried the country forward upon a tide of success unexampled in the history of the world; and yet this is the party whose men are derided and whose measures are maligned by the orators and songsters and presses of a party who, when they have attained power through Democratic divisions, for they have never through the confidence of the people, have gone out as speedily and with far greater unanimity than they came in; who cannot point to a single great measure of government which they ever inaugurated, and who are on record in a bitter, entire,

and unyielding opposition against every great measure of progress in the eventful history of the government and country. Nor is the character of either party changed by the fact that patriotic men, for a time associated with our opponents, have been constrained by the dangerous tendency of their action to leave this organization and join the Democratic standard; nor, because the disaffected, factious or abolitionized, who remained in the Democratic camp so long as rations were bountiful and service slight and free from danger, have sought more congenial associations in the camp of the enemy, where they hope at least the flesh-pots are nearer,—and where they can care exclusively for the interests of three millions of colored population, and see that they suffer no inconvenience by passing from a State into a Territory, should such transition happen, and with far less care for the thirty millions of whites to whom the destinies of this government and country have been confided.

This whole question of slavery agitation, as originated and treated, is without exception one of the most impudent and shameless humbugs which ever engaged the attention of an intelligent people; for it is bitter, and wicked—disturbing the relations of sister States and neither doing nor proposing to do good to either race. The questions of territorial acquisitions being at rest, and the policy of the country becoming settled, "Othello's occupation" was gone. The opposition had no other sing-song but slavery. They ceased to play upon their old jarring harp of a thousand strings, and commenced upon a single string, without either turn, chorus, or variation. Slavery is to them what ale was to Boniface—meat, drink, and lodging. Their war is upon a people who are our brethren, and States which are our sovereign equals; which are associated with us in the great and beneficent work of human progress. They declare that they make no war upon these States or upon their people, and yet they heap upon both from day to day epithets and denunciations fit only to be hurled upon the most mean, ferocious, and murderous despotisms of earth. Some declare, with a commendable manliness, that their purpose is disunion; others, and the great majority, that their only object is to prevent slavery from passing from the States to the Territories; and yet if there were dan-

ger that the entire white population would become enslaved, we should scarce expect a greater outcry.

It has been the Democratic policy to regard the people of a Territory when organized, like the people of a State, capable of self-government. No power on earth can prevent any State in the Union, new or old, under the federal Constitution, from becoming a slave State, when its people choose. It is therefore and must ever remain a question with the people of a State to dispose of for themselves, and the Democratic party propose to leave the same question with the same people while yet a Territory—regarding the people of a Territory precisely as wise while composing a Territory as they will be when they constitute a State. But modern "Republicanism," insists that Congress ought to legislate for them, and this is the great point in issue. Let those who have confidence in, and those who distrust the capacity of man for self-government, whether in a State or in a Territory, whether in an old country or in a new, range themselves upon this question accordingly. The Democrats will meet the issue fairly, directly, and boldly, and have no fears for the result. It was an alleged grievance by our fathers that the British Parliament would not permit them to legislate for themselves, but insisted on the right to legislate for them, when the colonies held the same relation to Parliament that the Territories do to Congress. This is in substance the same question now, and if we have an organized Territory, whose people are not fit to be entrusted with their own local legislation, we should turn them over to the British Parliament until they have sufficient intelligence. But this distrust is a libel upon the people of our Territories, and upon the good sense of the age. They are much better acquainted with their wants than is Congress, and better calculated to redress their own wrongs.

When the ordinance of 1787 was passed, the foreign slave trade existed, and it was a question between Africa and the fertile regions of the Northwest; but that trade was long since prohibited, and it is now a mere question whether slaves shall stay where they are in the States or go into the Territory, and this is a question belonging to the people of the Territory, and may well and safely be left with them.

Neither the Democratic party nor the Southern States are responsible for the origin of slavery. It was inherited from

slave-hating England, whose cupidity planted it here so deeply that it could not be readily obliterated, if those where it is desired it. In the formation of the government it was found an embarrassing question, and it required all the forbearance which characterized the patriotism of that day to compromise the difficulty. But our fathers saw, as we ought to see, that the great benefits which a Union of the States would confer should not be rejected in disagreements over this question; that slavery was no worse with a Union than slavery without one, and hence the compromises of the Constitution. It is a question over which a portion of the States will and have a right to feel deep sensibility. However much its existence may be deplored by the benevolent, none will unnecessarily wound the feeling or heighten the embarrassments of those who have it in charge unless it be the fanatic, the bigot, and the demagogue.

But it is said that there has been violence and bloodshed in Kansas; that foreign interference has prevented the exercise of the elective franchise, and that life and property are not protected. Let this all prove true, and what, pray tell me, does it establish against the Democratic party—against the doctrine of true self-government—against the Democratic candidates; or in favor of this new-fangled “Republicanism” or its nominees. The lawless violence in Kansas, like lawless violence elsewhere, is not only to be deplored but condemned of all good men. When we look for the cause, we should look for a true one, and when we seek a remedy we should adopt one certainly not worse than the disease. There has evidently been much wrongdoing in Kansas, and whoever was first or foremost in the wrong, it would be strange indeed if much could not be finally imputed to all. But it is quite probable that the approaching contest over the Presidency has given to some of the movements there an air of exaggeration. When the negro question is the only stock-in-trade of a desperate party, such elements as the Kansas controversy furnishes are not likely to be understated. I condemn all outside interference on either side, come from which it might, in the popular elections of Kansas. It was alike the right of those holding pro-slavery or anti-slavery opinions to settle there, and personally exercise the right of franchise unmolested. But it was unwise for either interest on the organization of the Territory, under an irritated state of

feeling too, to blow a trumpet, and give notice that it was going forward to take possession of, and control the Territory. It was calculated if not intended to provoke antagonism and collision, and should be regarded as the first great wrong amongst the wrongs there perpetrated. And yet this was done by the anti-slavery saints of some of the States, who complain loudest of the very interference which they summoned to the strife.

But whether one or the other or both interests were in fault, and responsible for the disgraceful violence which has followed, it is no argument against the Democratic doctrine of self-government in Territories. It only proves that exasperated men have interfered with and prevented the ordinary and healthful working of a salutary rule. This doctrine has upon all other occasions proved successful, even in California with all its temptations to conflict. It will operate well there if left alone, and no system is a guaranty against violence. It will be successful hereafter when the peculiar circumstances which have beset this Territory shall have passed by. The disregard or violation of a law is an argument against the breaker and not against the law. One man cuts his throat with a razor:—this does not prove that men should not be permitted to shave (which quite too many neglect, in my judgment), but that one has abused what was necessary and useful to many. The numerous shocking wife-murders we read of, where the wife is in the power of the husband and beyond the reach of assistance, are no argument against the marriage relation. They merely prove that the husband has not only violated the confidence reposed in him, but has committed a great crime against God and man. But we may as well prohibit all from the instrument because one has abused its use, or prohibit marriage by Congress, because the husband has murdered the wife, as to cry out against self-government and popular sovereignty, because bad men have by violence prevented its fair and peaceful exercise.

But what is the attitude of this party of Fremont and freedom before the people of the United States? They are quite lavish of denunciation upon others. Let us see for a moment how their own strange position will stand the scrutiny of examination when arrayed for trial at the bar of opinion. For the first time in the history of the government a party claiming to be one of the great parties of the country have planted them-

selves entirely upon an irritating anti-slavery issue ; have nominated for the first time sectional candidates ; have for the first time ignored and blotted from the constellation of the Union fifteen of those glorious stars which help to compose the pride and hope and joy of every true American, and with a fragment of stars, comprising a majority of electoral votes, broken off, discovered, and disjointed from the others, with the black flag of anti-slavery floating over the piratical craft, are cruising for power, regardless of the admonition of the Father of our Country ; regardless of the holy memories which should bind us together as one people ; regardless of the great mission in the cause of human progress with which we are charged in common, and regardless of the integrity of the Union. Candidates for the first and second offices, it is true, have, in other days, been selected from the same section of the Union, but not upon sectional issues, and it has been left for the "Republican" party of 1856, professing to be influenced by questions of the most elevated patriotism, to put nearly one-half the States of this Union at defiance by the nomination of sectional candidates, upon an irritating sectional issue. When I say it insults and degrades a portion of the States of this Confederacy—that it threatens the integrity of the Union, I inquire, if the slave States held a majority of the electoral votes, and they should, at a time of such internal strife and disturbed relations, assemble and form issues of a sectional character, and nominate candidates pledged to their enforcement, whether we should not complain that we were not both insulted and degraded by being thus placed beyond the pale of fellowship ; and finally, if they should elect such sectional ticket and inaugurate their government upon that principle, whether we would cheerfully and tamely submit to its rule. If we did, I can only say, there is less of the spirit of 1776 left than is generally imagined.

Such nominations, upon such questions, are well calculated to fill the mind with apprehension and alarm, and should cause the country to pause and reflect upon this career of madness which jeopard's interests so sacred in its insatiable grasp for power. It is a question which it becomes the actors themselves, in common with the American people, to consider. It is one which cannot be answered or turned aside by sneers at Union-savers ; for that which destroys fraternal feeling—which arrays

one section against another—which provokes strife and irritation where there should be peace and friendship, has violated the spirit of the compact, and he who has helped to produce these results is as guilty in the sight of Heaven as if he had sundered the bonds which bind these States in a common Union.

We have now seen the candidates and the principles of the two great parties before the country placed in contrast. It is for the people to determine whose principles are most just, sound, and wholesome, and which of the candidates are best fitted to discharge a trust so elevated, delicate, and responsible, at a time of unusual interest in public affairs. We can await with confidence their decision, for it cannot fail to condemn principles so barren and bigoted that they embrace but one-half of the States of the Union and candidates who represent them. It cannot fail to approve the time-honored principles which have proved so salutary and successful, nor can it fail to choose by startling acclamation the champions of that cherished faith as President and Vice-President of the United States.

EXTRACT.

A PICTURE OF DISUNION.

FROM A SPEECH DELIVERED AT A MASS MEETING OF THE DEMOCRACY OF INDIANA,
HELD ON THE BATTLE GROUND OF TIPPECANOE, September, 1856.

"Be thou a spirit of health or goblin damned,
Bring with thee airs from Heaven or blasts from Hell,
Be thy intent wicked or charitable,
Thou comest in such a questionable shape,
That I will speak to thee."

THE spirit of sectional hate which is being inculcated by the votaries of a rude and impracticable Abolitionism; by bigots, zealots, fanatics, and demagogues; in desecrated pulpits, in ribald songs, in the productions of an incendiary press, and in strife-stirring orations from the political rostrum, has already promoted a feeling of irritation which should fill the patriotic mind, with apprehension and alarm.

No feud is so bitter as that which exists between brethren, no persecutions so relentless as that which pursues an estranged friend, no war so ruthless as one of domestic strife; and yet its evil genius, disguised with the garb of superior sanctity—the blear-eyed miscreant, Disunion—is walking up and down the earth like Satan loosed from his bondage of a thousand years, endeavoring to array one section of the Union against the other upon a question which was wisely disposed of by those who laid the broad and deep foundations of our government. With one hand it essays to tear out from the Constitution the pages upon which are written its solemn guaranties, and with the other to erase from the nation's flag fifteen of the stars which join to compose the pride and hope and joy of every American. It would, in pursuit of its miserable abstractions, array man against man, brother against brother, and State

against State, until it covered our fair land with anarchy and blood, and filled it with mourning and lamentation ; until every field should be a field of battle, every hill-side be drenched in blood, every plain become a Golgotha, every valley a valley of dry bones ;—until fire should blast every field, consume every dwelling, destroy every temple, and leave every town black with ashes and desolation ;—until this fiendish spirit, compounding all the elements of fury and horror, should sweep over this now happy portion of God's heritage, leaving it blasted and desolate ;—a monument of worse than barbarian vengeance. This pestilent spirit of disunion, the poisonous tree of Java in the political world, is taking root in our soil, and stings, as with a serpent's venom, all who fall within reach of its deadly malaria. No plant or herb can grow near it, no animated existence can repose under its shadow or rest in its branches, no bird can fly over it, and under and about it is appalling death.

More ferocious than the decree of Herod, it will spare children of no age, nor sturdy manhood, nor woman's beauty, nor the gray hairs of age. More fearful than the destroying angel of Egypt, it will pass over no one's dwelling, though the blood be sprinkled on the door-posts. I arraign it for trial and judgment in the holy name of humanity ; by the blood and tears in which our liberties were achieved ;—by the great memories of the patriots of the Revolution, and the sacred compact of our fathers ;—in the name of the oppressed children of earth, who would flee to this asylum of hope, and whose footsteps we hear in the mighty distance ;—by the blood which cries from the ground of this great battle-field.

The ruthless savages who mangled the remains of the brave soldier upon this field, whose tomahawk and scalping-knife reeked with the blood of women and children in the valley of the Wabash, in the great day of final account will draw near to the judgment-seat and extenuate their crimes in comparison with him who imperils this Union. *They* were, according to their ferocious instincts, warring upon the enemies of their race. *He* is at strife with friends and brethren—those who surrounded the same home-hearth, and knelt at the same altar. *They* were born amid deeds of blood and educated in slaughter. *He* was taught the gentle precepts of the Saviour of men, and baptized in the name of the Father, and of the Son, and of the

Holy Ghost. *They* fought for their rude homes—for the banks of the stream where their childhood had sported, where their council-fires had been kindled, and where repose the remains of their beloved dead. *He* would make homes of friends and kindred desolate, and quench the altar-lights of civilization and Christianity. *They* were true to the integrity of their people, and sought to uphold and enforce the principles of their bloody compact. *He* would subvert and destroy the Constitution under which he lives, and the government which shelters and protects him.

SPEECH

DELIVERED AT A DEMOCRATIC MASS MEETING, HELD AT THE UNION CABIN, IN THE CITY OF BROOKLYN, ON THE EVENING OF October 21, 1856.

IN every department of human life, Mr. President and Fellow-Citizens, there is a continual conflict between the great principles of truth and falsehood, good and evil; and this is nowhere better demonstrated and illustrated than in matters of political opinion. In the policy and affairs of our government, there always have been, since the day of its organization, there always will be, two great principles striving for the mastery; and both cannot be right. One must be true and the other false; one just, the other unjust; one tending to the elevation and advancement of the best interests of the people, the other to their depression and defeat. They are represented, in the political arena, by the two great parties into which the people have been divided.

The Democratic principle which I advocate and which we believe, is no mere partisan principle; it has no party catch-words, and no relation to mere office-seeking or spoils-hunting politics; it relates not to the elevation of this man to place or the rejection of that. Its mission is that justice, truth, and equity may prevail in matters of government; that the encroachments of the few upon the rights of the many may be prevented; that the strong shall not oppress the weak. The spirit of Democracy is the idea of the people, the mind and common sense of the masses, the reason and judgment of the majority. The Democratic principle seeks to preserve power in the hands of the people, that they may themselves exercise it in every department of government, in the choice of rulers (not rulers, either, in the proper signification of the word, for the

people themselves are the rulers), whether it relate to those who are to make or those who are to administer the laws. It intends that the people shall reserve that power to themselves, and exercise it according to their own good sense and pleasure. It asserts the capacity of the people for self-government; but as they are engaged in the various pursuits of life, taking thought "what they shall eat, what they shall drink, and wherewithal they shall be clothed," it undertakes that error shall not steal upon and mislead them, on pretence that it can administer to them better than they can to themselves, or by promises to give them by circuitry,—by some roundabout, patent right system of governmental gratuities, what it would filch from them by political jugglery or deny to them as an inherent right.

The grand idea of Democracy is equality—equality in every sense of the word. Providence, it is true, has given to some men more physical power and higher mental capacity than to others, and in these respects, as the poet expresses it,—

"Some are and must be greater than the rest."

But political rights can be equal as the golden light of heaven that falls upon all God's children alike. And this Democracy claims and teaches. As in the natural world we see the elements spread out for all—to bask in the warm sunlight, and drink together at the sparkling fountain, or look alike upon the beauteous sky and bright earth, rejoicing in its sunny slopes and lovely valleys, its grand hills and rushing streams—so in the moral world a beneficent Providence has not designed that its excellencies shall be monopolized by the few while the many grovel in spiritual bondage. Democracy therefore maintains that every one should enjoy liberty of conscience, to worship God according to the dictates of his own heart, and therefore be held accountable to no one but his Maker; and it does not reject any one because he believes or does not believe in this doctrine or that, or in this form or the other in relation to the worship of Deity. It inquires not whether a man was born on this side or the other of the Atlantic, in respect to his enjoyment of the blessings of our institutions, but whether he is honest, faithful, and has an American heart. It intends that he

who labors shall enjoy the fruit of his industry,—that it shall not be wrung from him by onerous taxation or governmental exaction; that enterprise shall reap the reward of its endeavors; and that government shall pursue the great objects of its creation as the agency of the people, protecting all alike and granting exclusive favors to none.

Democracy, in the nomination of its candidates, seeks to put forward for public places those who will stand by these doctrines and carry them out in practice. It selects them for their fidelity to the Constitution, their purity and elevation of character, and it strives to elect them, not as mere men, but as representatives of the people; and woe be to them, if, when elected, they prove unfaithful to their trust. In this great campaign, the Democratic party, in accordance with its usages and policy, has come forward with its creed and its candidates; and it appeals to the great tribunal of the people to judge parties by their acts, and say which is right and which is wrong;—whether the principles and policy of the Democratic party or those of its antagonists are the true principles and policy upon which to conduct the government.

Upon this occasion, regarding it as a time of difficulty and peril, it has selected its candidates with unusual caution. It has nominated, I need not say to you, as its candidate for President, a man of very great experience, well known through this broad land for his virtue and integrity and acquaintance with public affairs, and well qualified to conduct the ship of state and steer her safely on the turbulent ocean before her,—and that candidate is James Buchanan. Second upon the ticket is one, though young in years, no less worthy in proportion to his experience, John C. Breckinridge, of Kentucky. At home, we have presented as our candidate for Governor of the Empire State, Amasa J. Parker, a man identified with the institutions of the country; long known in the councils of the State and nation; an experienced and able lawyer; an upright, learned, and inflexible judge, and now brought forward for the first office in the gift of the electors of the State. And shall I tell you, or will you tell me, of John Vanderbilt, your own citizen and neighbor, who is part and parcel of your community, who is nominated for the high office of Lieutenant-Governor and President of the Senate? A man who has discharged with fidelity every duty

and every trust, whether those of a private citizen in all their varied responsibilities, or as a Senator of your State, or as a judge of your courts ;—whose character is your pride and boast, and whose elevation will be your elevation and the elevation of your principles.

It is such men that the Democratic party has placed in nomination, and asks for them your suffrages, not for their sakes merely, however worthy we may deem them, but for the sake of the principles resting upon them, and which they are to carry out and exemplify. Look over the list, and I venture to say that for learning, for integrity, for public ability, for purity of private character, such a ticket has seldom, if ever, been placed before the American people. It may safely challenge all the criticism of the opposition ; and all their poisoned arrows will fall harmless before it. This ticket is presented to you, not upon a platform made up for the occasion, too narrow for a single individual to stand upon—so short that he can neither take a step forward nor backward—but upon a creed whose principles reach wherever the sunshine of heaven sheds its rays ;—whose influence is calculated to extend throughout the habitable globe, travelling wherever civilization and intelligence have travelled. In our own happy land it embraces the North and the South, the East and the West in common, and is everywhere the same. It blots out no star from the constellation of the Union. Its flag reflects in beams of light not sixteen but thirty-one stars, each the emblem of a sovereign State. And with these candidates and these principles we appear before the American people upon the broad platform of the Constitution, in the name of the Constitution, in the name of the Union, in the name of equality, freedom, humanity, and the rights of man. And not only in the name of the present generation, but of their children and children's children after them, and in the name of oppressed humanity throughout the earth. We see from abroad the Genius of Liberty stretching out her hands to us and imploring us to preserve this heritage of freedom, as a refuge for her oppressed children ; that they may come and sit down here under the great tree of liberty, and with us repose under its branches and partake of its fruit.

How is it with our political opponents ? We have none, except in a portion of the States. The late Whig party that bat-

tled so long with us, with which we shivered so many lances on fields of strife, though it sometimes courted the aid of Abolitionism, was in its chief characteristics a national party. But where is it now? Its Clay and Webster have gone to their rewards, and rest from the agitations of life in the peaceful bosom of the tomb. Its Choates, its Everetts, its Johnsons, its Pratts, its Parsons, where are they? They and thousands with them have turned away from the factious portion that is left, and rallied with the Democratic party to the support of the Constitution. It is broken up, and presents only the disjointed fragments of a party. A factious band in a portion of the States, made up of the bad remnants of the Whig party, of deserters and outcasts from the Democratic party, of honest fanatics, disappointed office-seekers, political priests and adventurers in general, now constitutes the opposition to the Democracy. It is a congregation of all the restless, doubtful, disturbing, incendiary political elements in the country. Like the drag-net mentioned in Scripture, they have gathered of every kind; but, unlike that example, they have retained the bad, casting only the good away. The Democratic and the late Whig parties were like two opposing armies, each holding prisoners from the other. The Whigs held a part of our forces in bondage, while we had an element that did not belong to us, and they have merely effected an exchange. The remnant of the Whig party (after the honest conservatism it held had been liberated), and the disunion elements, that have heretofore distracted the Democratic party, have all gathered together and call themselves the "Republican party;"—self-named, and christened by some of their political priests, in the dark and troubled waters of sectionalism.

They lay claim to great benevolence and philanthropy, and in pretence go forth seeking great good for their fellow-men; but in truth they are going up and down, like that spirit that had been cast out and walked through by-places, seeking rest and finding none, and finally returned with seven other spirits more wicked than itself; and the only possible result of their self-appointed mission, if they could secure success to their endeavors, would be, to make the last state of the people worse than the first. In what I say of our newly embodied opponents I speak not in disparagement of individuals; I treat of them as an organization merely—an antagonism of

opinion to the Democratic party. Speaking freely, as we always should speak, and tenderly, also, as we should do of those in desperate circumstances, even though engaged in a bad cause, I can say there never was a cleverer set of men nor a worse set of politicians; and what are they going to do?—to help freedom. Freedom for whom? Their every effort jeopardizes freedom, and, if they should prevail, free government would be placed in the gravest danger. Turning aside from the great destinies of humanity on this continent, leaving the country and the race to whom its hopes were committed, they go off upon a crusade, jeopardizing the Constitution, menacing the harmony of the States and the integrity of the Union, under the pretence of fear that slavery may be extended. What do the politicians who lead this movement, and for the time cheat the honest Abolitionists out of their occupation, care for slavery? They would rivet shackles upon thirty millions of people and upon human progress for all time to come, that their crude, incendiary ideas might be carried out—whether slaves should pass from a State into a Territory. We believe in the capacity of man for self-government; that he was created with faculties and dispositions which render him competent to govern himself; that he derives his power and his right of self-government from his Maker, and not from legislatures, congresses, parliaments, or kings; that whether in a State or a Territory he has the same right, and in either case may be entrusted to exercise it with equal safety and propriety. Our opponents believe that man is capable of self-government—if he will do precisely as they say; that he should be permitted freedom of opinion—if he will exercise it just as they require; but, like the old lady who at the time of the great eclipse thought the world was coming to an end, and was in great anxiety for fear her son, who was out in “the Genesees,” would be caught out in it, they are very much afraid that if he should be trusted to himself too far he might come to harm. They admit that man is capable of self-government in New York and Massachusetts, but if he gets out into Kansas they would put a kind of political baby-jumper about him, to protect him from himself and learn him to walk, before they would trust him to make the attempt. They think that although a man has brains in a State, and has been a voter

and enjoyed and exercised all the rights of citizenship, the moment he gets into a Territory, particularly if he has to cross the Missouri River in doing so, he must lose his common-sense, intelligence, and judgment, and rely upon the wisdom he has left so many thousand miles away, in the sole possession of the Republican party. Truly it is a modest party, but it is a formidable party. It comes scattering fire-brands; and, whether it enters into the intention or not, is as dangerous as would be the incendiary who should undertake to light up the darkness of midnight with the flames of your dwelling. It is dangerous, because, from the nature of its doctrines, it must be confined to a portion of the States, and menaces the harmony and integrity of the Union, which was founded in great wisdom. Our fathers did not enter upon the contest with Great Britain without counting the cost. They marched through blood and tears and hardships and great suffering to obtain the result which they carved out for us with offering of their lives, fortunes, and sacred honor. They have left it to us to preserve and perpetuate the work they begun. But our new party opponents, having broken up and destroyed the national organization of the old Whig party, and considering that the free States have a numerical majority of population in the Union, have undertaken to inflame the sentiment of the free States upon the subject of slavery, and gone before the people on a sectional platform, with an insult to fifteen States of this Union, which are thus placed beyond the pale of their political fellowship and branded with opprobrium. They do this in the name of humanity, and carry their efforts into every walk of life—into the pulpit, into the social circle—that they may raise up strife between the North and the South; between brethren of a common tie, who have garnered up together the choice fruits of the Union. But we do not fear their attacks upon the Constitution. It will stand the test. Its strength is in the virtue and intelligence of the people. Although they may cast its spirit into the fiery furnace of sectional and party strife, it will walk amid the flames unscathed, and will triumph over all the evil elements that can be arrayed against it.

They have nominated their candidates and hung out their banner—not the banner of the Union, that is the pride and

joy and hope of every true American, but shorn of fifteen of its stars; a sectional flag, ominous of humiliation, of sorrow, of deadly peril. And who are their candidates? I have nothing to say against them, as I would not speak in disparagement of individuals, and I know nothing in their favor that would entitle them to the prominence they seek. We literally know nothing of their fitness. They know nothing of them themselves. We never shall know, for inexorable fate and the ballot-box will make their connection with the campaign of 1856 a short and fruitless one. For the high trust of the Presidency they have passed by their Sewards, their Chases, their Hales, their Sumners, the champions of what they call "freedom," and taken up Col. Fremont. They are governed in their selection by the necessity of their position, and show their sagacity in so doing. If they believed the American people could be brought to favor their humbug freedom, would they not select a name from among those having some prominence upon their party catalogue, and of one possessing known qualifications for the exalted station? But they have not dared to give their true principles a recognized embodiment in their candidate. They have taken him up as certain jugglers take a sheet of paper and make it into the semblance of a stove, a bootjack, a hat, or anything they please. With an Abolitionist he can be an abolitionist; with a Maine law man, for the Maine law, and so all shades of opinion can be accommodated; and in lieu of presenting any guaranty of principles or specification of qualifications, and as a piece of pleasant alliteration, they raise the shout of "Fremont and freedom." It sounds well; but "John Snooks and freedom" would have just as much meaning in it. As the individual said on reading Milton's *Paradise Lost*, "I don't see what it proves." What has Col. Fremont ever done for freedom that you, or I, or anybody else ever heard of? They say he has struggled through snow-drifts, and fed upon unsavory food, and therefore must be fit to be President. We have not learned to appreciate such qualifications. We select men, not because they have toiled through natural snow-drifts, but through the snow-drifts of adversity in life; not because they have climbed up the rough sides of the Rocky Mountains, but because they know

"How hard it is to climb the steep
Where fame's proud temple shines afar."

The controversy which is going forward is one between the friends and the enemies of the Constitution and the Union, and so it will be finally developed. I speak of the tendency of the principles and party policy of our opponents. Why is it that this war has been waged on the subject of slavery? When this government was inaugurated, slavery had a footing in all the colonies. But a few years since it existed in New York. She abolished in obedience to her own interests—her own sense of propriety and justice. It was abolished in the same way in Pennsylvania, New Jersey, and Connecticut afterwards. It is rolling its dark wave South, and it is not within the field of our responsibility, nor subject to our legal or constitutional control or influence. With the question, therefore, we have practically no concern whatever. It would be equally as just for Virginia, Carolina, or Georgia, to turn round and attack our system of railroads, banks, or common schools. We are partners in some matters, but not in all. If two men engage in merchandise as partners, the one a Methodist and the other a Presbyterian, each contributing to carry on the business, the arrangement would not give to one any right to assail the other in his religious belief or social or domestic affairs. Such conduct could be productive of no good. It would be pernicious and outrageous. These States united together upon great principles, and for great and beneficent purposes, and formed a common union to promote justice, provide for domestic tranquillity, and extend the blessings of freedom to mankind; but in every respect, except as prescribed in the Constitution, they are as independent of each other as they are of Great Britain.

It is incendiary and abominable to meddle with the institutions of other States, which were there when we entered into this compact. We knew they were to be there, and it is only for us to discharge our part of the obligations of the compact. With us it is not making a new bargain, but keeping the terms of one already made. A class of our opponents say it is "an atrocious bargain; a bargain made with hell;" and probably they ought to know as to that. But we say it was a bargain

for true freedom to mankind. Here was a little slip torn from the trunk of monarchy, and planted on this continent. It has grown up to be a great tree, and will extend its branches not only over us and our children, but over two hundred millions of freemen who will come after us. Why should it be uprooted now for any temporary question? It is shameful for a people to spend their time and breath over this question, when they cannot benefit an individual, white or black, and merely jeopardize the interests of both. Our fathers saw that slavery was planted here by slavery-hating Great Britain—by that Stafford-House morality which weeps over Uncle Tom's Cabin, and declares with a boast, which seems the keenest of satires, that slaves cannot breathe in England? They found slavery here upon their hands. It was like tares among wheat; all must grow together until the harvest. They saw that union was better with slavery than disunion with slavery; and they formed the Constitution in the spirit of humanity. But this false humanity, this mock liberty, got up to serve the purposes of party politics, is an abortion of modern times. Why is it brought out now? Because the opposition have ceased to play upon "their harp of a thousand strings." They have but one string now, and the instrument with one string is always called a *Lyre*. That instrument has but one sing-song note.

The effort is to mislead the American people. Because the Northern people are opposed to the institution of slavery, as they showed themselves by abolishing it, it is sought to inflame their minds on this subject, and array them against a portion of the States, for no nobler or higher purpose than to put a party into power that cannot get there in any other way. They have congregated themselves like the army of Peter the Hermit, and started on a crusade, declaring that they must rescue the holy land of Kansas from the grasp of the infidel slaveholder. They say that we are slave propagandists—in favor of the extension of slavery, and this is preached and prayed, and published and declared from Maine to Texas. We are in favor of extension, I admit, but it is the extending of the Constitution. We are not pro-slavery, we are not anti-slavery. We are pro-constitution—in favor of extending its genial principles throughout the world until it shall throw its beams athwart the Atlantic, and enlighten, cheer, and elevate all mankind. I leave the

question of slavery to those to whom it belongs. If there are benefits in the institution, we will let our sister States enjoy them. If there are sins to answer for, we will let them answer for them; believing that we ourselves, in this section of the Union, have sins enough to answer for without going elsewhere. I regard it as a question which time, circumstances, and the wise dispensation of Providence will settle for us. This country has been committed to us, not for the purpose of brooding, hatching, extending, or of suppressing negrodom, but of preserving this great government as it was given to us. We are trustees, charged with a great and sacred duty. Our fathers did not work out this problem of government merely for us—for a day, or a generation, but for mankind and for all time, and gave it to us in trust; and we have as much right, if we had the power, to destroy the sunlight or the beauteous earth, the natural as well as the moral elements, and blot them out from those who are to come after us, as to suffer this great legacy of freedom to be lost or dissipated. It is our duty to uphold and preserve to the utmost these great blessings.

The principles and policy of the Democratic party upon the great questions of the past have always at first been violently resisted and denounced by our opponents, then reluctantly yielded to, and in the end acknowledged to have been right. We rally now for the Union. Our present opponents menace it. For the first time in the history of the government they have rallied upon a sectional platform, with sectional candidates, and with fifteen States blotted from the flag, under the folds of which they invite their followers to inaugurate a sectional party warfare. And this they do in the name of humanity. Lip-service is always cheap, but not always a convincing token of sincerity.

The Union of the States is like that of man and wife—not a union of law merely. Though the law declares that they shall live together and be one, the real union must come from mutual affection, love and regard; from discharging the obligations of life together, mingling in the holy offices of religion, rearing their mutual pledges of love, and training them up in virtue; or together committing to the dust the children of their bodies. Thus it is that the union becomes valuable, consoling, and sanctifying. The Union of the States will not be

worth a rush when the feelings which should bind them together in the holy spirit of our fathers has fled and gone. When they shall be arrayed against and assail each other with sectional bitterness, the spirit of the Union will have departed, and the paper Union might as well be at any time committed to the flames. But this government can never exist as a republic, nor as two republics, when the Union is gone. The laws of trade and commerce, the contiguities of our people, our streams and highways, would bring us into perpetual conflict; and no conflicts are so bitter, destructive, and terrible, as those of families and brethren. To avert this, the Union must be maintained in spirit as well as in letter. This is not my opinion alone. It was the opinion of a Clay and a Webster, and the wise men who have gone before us. If you will not take Democratic advice, take Whig advice. If you will not take counsel of the living, hearken to the voice of the tomb. What would Henry Clay have said—he who was always true to his country and his country's constitution? He differed with us Democrats upon the internal policy of the country, but never upon great foreign questions nor upon the integrity of this Union. Oh, could Henry Clay come forth from his grassy tomb in Kentucky, what would he say of this party? How he would tower up like the wild horse in the valley of Idumea! How his form would rise erect, his eye dilate, his arm poise, and his finger point to that carrion vulture of disunion, with its bloody beak and its dirty talons! Could Webster come from his repose in Marshfield, what would he declare of that party? Though he was at war with us on many points, yet he was the counsellor of Jackson when the country was imperilled. Could he come forth now, how the clouds would gather on his massy brow! How the thunder would roll, the winds howl, the storm descend, and the lightnings flash upon that party of disunion! He would pray again that when his eyes should be turned to behold for the last time the sun in heaven, he might not see him shining on the broken and dis-severed fragments of a once glorious Union!

Oh, could those spirits come forward, and be now in the midst of the American people, would they not turn even these misguided men from their pernicious and destructive errand? I believe this sectional spirit to be arrayed against the best

interests of humanity. I believe it to be dangerous to the peace, happiness, and prosperity of the country. I believe it to be pursuing the spirit of liberty like a hungry and remorseless hound upon the track of a wounded and dying deer. I know, for I have felt its vindictiveness and its persecutions; but in the travestie of Macpherson, I am still ready to exclaim—

“ Oh, what is death but parting breath ?
On many a bloody plain
I have met its face, and in this place
I scorn it once again ! ”

In a few years we shall be in the dust, but these institutions are too valuable, too priceless, to be jeopardized. I would have this spirit resisted in the name of humanity and freedom, which it mouths and abuses. I would have it resisted by the Democracy; not in a party sense, but by that great conservative element which pervades the country. I invoke all, whether Democrats or Whigs, to come up to the support of the Constitution. It is supposed by some that the constitution can endure all these trials, and, in view of any possible result, that the North is not dependent upon the South. The dependence and the benefits are no doubt reciprocal; but even if it were not so, I would still appeal to you upon the principles of justice and of right. What God has joined together, let no man put asunder.

We must be united, because demagogueism has united all its forces against us. The democratic party and all the conservative elements must come together and act together as in a common cause. We must not only elect our President and Vice-President, our Governor and our Lieutenant-Governor, but a Congress and a Legislature to sustain them in the sound principles they will carry forward; and let no narrow, personal considerations of any kind interpose between you and your candidates regularly nominated. The laboring democratic masses cannot make themselves felt in any way without organization. The opposition is at the telegraph office, the publication office, and at the receipt of customs, and, like old Bartimeus, blind at that. But the democrats are at their labor in the fields and in the workshops, providing for those whom Providence teaches to look to them for subsistence. They can-

not be felt except through their organization and the success of their candidates, and therefore I invoke you, in support of the constitution and the Union, in support of the great principles of equality, to come together and sustain your nominations, that we may not only have a victory, but a complete victory, and that our opponents may be routed forever. What will come next we cannot tell, but it will be the last experiment upon the constitution and the Union.

The interests of this Union and of humanity are committed alike to the North and the South. We are brethren of a common tie. We should discharge these duties together, and the blessing of heaven will never rest upon us in any other direction. What being, black or white, heretofore or hereafter, has been or will be benefited by this spirit of sectionalism? Suppose the blacks were liberated at once, whom would that benefit? Not them, for they have been for generations in a state of tutelage, and are not prepared for immediate emancipation. Their definition of liberty would be to do as they pleased. They would rush to the North. Their vicious would fill our prisons, the poor our almshouses, and their laborers compete with our laboring men. But why should *slavery* go to Kansas? It would have to leave the rice and cotton plantations where it is in demand, and go to Kansas where it would not be profitable. There is no probability of it, and any one who believes in the principle of self-government will be willing that a people organizing themselves into a great social community shall determine their own local institutions, within the constitution and laws of the United States, and decide that as well as other questions of internal policy for themselves. This is our solution of this vexed question; a solution saving the rights of all parties and the peace of the Union. Kansas will soon be a State, and then neither North nor South can prevent her people from acting upon it as they please. We are not pro-slavery. Our party has had control of the government during three fourths of the time of its existence; and from thirteen slave colonies we have grown to thirty-one States, sixteen of which are free, and in some of the other fifteen slavery has only a nominal existence; and if this meddling abolition spirit had not interfered, there is no doubt that before this time laws for its gradual abolishment would have been in operation in

some of the slave States. It is a spirit of irreligion in the name of religion; a spirit of strife and contention in the name of humanity. It must be overcome, or our hopes, built upon the heritage of the Revolution, will turn to bitter disappointments.

I repeat, in conclusion, *we stand by the Union, let whoever will be against it*; and let all good men rally with us to maintain it for its inestimable benefits already conferred, and that they may descend to our posterity to the end of time.

DEDICATORY ADDRESS

DELIVERED AT THE OPENING OF THE NEW COURT-HOUSE AT
BINGHAMTON, N. Y., AT THE GENERAL TERM OF THE SUPREME
COURT FOR THE SIXTH JUDICIAL DISTRICT, January, 1857.

[The Address Valedictory to the Old Court-House, interesting in its reminiscences of early times and scenes, was delivered by Hon. John A. Collier, and responded to by Hon. Charles Mason, Presiding Justice. Mr. Dickinson then delivered the following address dedicatory of the new edifice, and was followed by their Honors Justices Campbell and Balcom, of the Supreme Bench, and Edward Tompkins, Esq., and other members of the Broome County Bar.]

THIS change of edifice for the administration of justice is suggestive to the contemplative mind of many interesting reflections. Nearly thirty years since, when that old house was new, and Binghamton a secluded rural village, nestling between these beauteous rivers in her hill-formed basin, like the Happy Valley of Rasselas, in early manhood I commenced professional practice here with life's battle before me; and though in the mutations of time I have been incidentally diverted to other and wider fields of effort, this pursuit has been the leading purpose of life, and I am still at the bar. In the mean time, many waves of sorrow have swept along life's then unruffled sea—many, alas! of the companions of that bright morning have paid the debt of frail humanity;—others, yielding to the restless spirit of the age, have sought fortunes, homes, and graves in other and less lovely lands, and some are yet here to gild the approaching evening with their society and friendship. In the progress of events, Binghamton has become a populous city; physical science has found out her seclusion, and, with railroads, canals, and telegraphs, has spread out her limits. Commerce and the mechanic arts have invaded

the green consecrated to youthful sports and May-day festivals, and of the merry throng who then rung out the joyous laugh—

“There play no children in the glen ;
For some are gone, and some have grown
To blooming dames and bearded men.”

But the forsaken, abandoned Court-House, where we have seen exhibited so many of the lights and shadows of existence ! Though more eloquent lips have pronounced its funeral oration, may I not be permitted in passing to cast a single chaplet upon its tomb ? In the language of the British peer, “with all thy faults, I love thee still.” How much of life’s passion and emotion, of its follies and frailties, of its joys and sorrows, of its hopes and fears, of its good and its evil, its truth and error have been exhibited within thy silent walls ! And in that dark and fearful basement, fashioned for the home of depravity and crime,

“How many there have pined in dungeon’s gloom,
Shut from the common air and common use
Of their own limbs ! ”

How many evil spirits in communion have there held their awful court ! How many bitter, unavailing tears have there been shed ! How many repentant prayers whispered through that dismal grating, and wafted to the mercy-seat ! There has languished hoary depravity, blackened and defaced beyond all hope of reformation—there the iron has entered into the soul of erring youth, whose heart has been stained but by a single crime. The pen of the recording angel alone has taken note of the emotions which have struggled in that dark abode, and none shall read the secret until the hearts of all are laid open to view. But the light of heaven’s sunshine will soon penetrate its gloomy recesses,—the flowers of spring shall germinate upon its bed, verdure there shoot up, birds sing around and children gambol over it, and few shall remember that it was ever the abiding place of so much sin and sorrow.

The learned and experienced member of the bar who, with

a humor so peculiarly his own, has eloquently sketched the early judicial history of this region, interspersed with stirring personal anecdotes, has suggested that the changeful spirit of the times must soon supply as well his place at the bar, as the new Court-House has that of the old. May the time be far distant when this vain effort shall become necessary. This has long been the theatre of his fame and usefulness, and, unlike a change of structures, in such a change there can be no improvement. When the artificial structure goes to decay and fails to answer the varying demands of convenience, the combined efforts of enterprise and skill can rear up another of more extended proportions and better suited to the occasion; but, when the aged and experienced member of the bar shall be called away, who shall supply again the results of his toil and labor? Who shall garner up and retain the rich treasures of legal lore which a life's devotion has accumulated? And when society shall be called to experience a bereavement so painful, it will realize the poetic truth, that such a moral edifice

“When once destroyed can never be supplied.”

Come we now to this spacious Hall, this architectural triumph, so worthy of the purposes for which it was designed—so well exhibiting the growth and enterprise and refinement of this community—so honorable to those who originated, to those who designed and those who erected,—an edifice which, unless destroyed by casualty, may stand a monument of architectural pride and grandeur for many succeeding generations, consecrated to the sacred cause of justice, humanity and truth—a theatre where all the human passions are delineated in painful and thrilling reality—a memorable illustration of the melancholy proverb, that “truth is stranger than fiction.” Here virtue and vice shall respectively exhibit their choicest offerings; here truth and error shall struggle for the mastery, and falsehood be exposed and put to shame; here avarice shall be arrested in her greed, and the victims of extortion be released from her fangs; here the hypocrite shall be unmasked in his cunning, and the oppressor of the widow and the orphan be stricken down in his rapacity; here shall fraud be abashed,

and integrity rewarded ; here brazen guilt shall be condemned, and, pale and trembling, smite her knees together ; here shall lowly innocence be raised up and vindicated ; and here, though slumbering truth may have been entombed for a season, the sympathetic ear of justice shall detect its smothered breathing, and roll away the stone from the door of its sepulchre and usher it to light and life.

Courts of justice are the upper and purer air of the moral world. They not only protect life, liberty, and property, but they form the foundations of our social structure. The legal profession, rightly understood, is one of the loftiest and noblest pursuits of man, and the common law the almoner of civilization. I have long worshipped at its shrine with the devotion of Eastern idolatry, and my respect for its institutions has increased with years. It has been sneeringly inquired, who reads an American book ? Let it be triumphantly asked, who has known a corrupt American judge ? who has ever seen the Bench connive at fraud or seek to uphold injustice, or stain its ermine with unholy gain ?

The beneficial influence of courts of justice is by no means confined to the narrow limits of the controversy decided ; their moral teachings go out as upon a mission of light, to illumine the darkest corners of society, to give fresh hope to intelligence and refinement, and to elevate and instruct the most benighted. Nor would they be profitless, were the bitter sarcasm of the poet fully realized, that any one who had a cause or suit

“ Might come up hither and present his claim
With no misgivings, that whoever came
With a good cause, good witnesses, good men
Upon the bench as judges, and again,
With twelve good honest jurors, if he saw
That well-feed counsel learned in the law
Had courage—after half a dozen fights,
Would stand an even chance to gain his rights.”

But a few more cycles of this transitory and fleeting existence and we shall all be laid in the dust ; others shall preside upon the bench, shall stand at the forum, sit in the jury-box, and depose as witnesses :

"And then at last, the controversy o'er,
The cause all settled, to be heard no more,
The lengthened years, as onward they have swept,
Shall tell how calm the litigants have slept:
Judge, jury, counsel, parties, have withdrawn,
And to a higher bar together gone,
Where every right decree is ratified,
And every wrong reversed and set aside."

SPEECH

DELIVERED AT THE CELEBRATION OF THE ANNIVERSARY OF THE
BATTLE OF NEW ORLEANS, AT CORTLAND, N. Y., January 8,
1857.

MR. PRESIDENT AND LADIES AND GENTLEMEN—We have assembled, upon an anniversary replete with proud and cherished recollections, to celebrate, by appropriate festive ceremonies, the triumph of American arms, under a distinguished leader, over the veteran hosts of a powerful and haughty nation ; and to exchange congratulations upon the success of constitutional principles in one of the most interesting and important struggles which our history has experienced—a struggle for the mastery in a game where the peace and stability of the Union, and the rights of the sovereign States, were the hazards—which threatened to disturb the foundations of our political and social fabric, and subvert the principle of self-government, that guiding star of hope and safety for civil and religious freedom—a struggle between the Democratic masses on the one hand, and the aggregate elements of error, fanaticism, and delusion on the other ; the former, like the confiding stripling of Judea, trusting in the justice of their cause, and armed only with the simplicity and truth of the Constitution : the latter, like their boastful exemplar of Gath, relying for safety and success upon their brass, and thus defying the armies of Democracy. Nor does the parallel terminate here. The gigantic braggart now, as of yore, has been vanquished, and the armies of idolatry now, as then, have dispersed and fled.

The contest which has resulted in the election of those eminent statesmen, James Buchanan and John C. Breckinridge, will constitute a memorable epoch in American history. The calm reliance of Democracy upon the intelligence of the people

and the integrity of the Constitution, amidst a convulsion so terrible, will form a distinguished feature; and the cunning of the demagogue, the rapacity of the zealot, and the relentless desperation of the fanatic, will give shade and coloring. The elements which united in an effort to overthrow the principles of the Constitution have never yet been thoroughly analyzed and exposed; nor has the importance of the result to the best and dearest interests of mankind ever been estimated. But we can best show our appreciation of its benefits by proving that, though most organizations can sustain defeat, the Democracy has self-reliance, wisdom and strength sufficient to withstand a victory, unparalleled in the history of popular contests.

It cannot be deemed either inappropriate to the occasion, or unprofitable, to consider for a moment the hardy virtues of that great Democratic leader, whose intrepidity, intuitive sagacity, and noble daring in the field, set apart the day we celebrate as a day dear and sacred in a nation's memory; and who, in the administration of the civil government, reduced to rigid and successful practice the sublime theories of Jefferson. No man, ancient or modern, has so completely illustrated the beauty or benefits of our institutions as Andrew Jackson. The son of a humble foreigner, and bereft of his parents and brothers at an early age, he was friendless and alone. At fifteen there was none on earth he could call his kindred. The world before him was a bleak and desolate expanse, and with slender means he was left to buffet life's billows by the energy of an unaided arm. Struggle on, bereaved youth! nursling of nature, rocked by the elements in the cradle of adversity, though bereaved thou art not an orphan, for thou art the child of a glorious destiny. Struggle on, for thou shalt one day be the chosen chief of a mighty people—thou shalt shield and defend them amid the calamities of war by the valor of thine arm, and in peace thy far-reaching wisdom shall rescue the toiling masses from the fangs of monopoly, and secure to them equality of condition and freedom from unjust taxation; thy name shall be honored throughout the world; thou shalt live to bless and adorn thy country to a good old age, and when it shall please Heaven to summon thee home to thy rewards and repose, and the agitations of an eventful life are hushed in the tranquillity of the tomb, thy memory shall be beloved and cherished as a priceless and sacred

inheritance, and they who in after times shall stand around thy resting-place at the Hermitage, shall desire to put off their shoes from their feet, because it is holy ground.

Andrew Jackson entered the army of the Revolution at fourteen years of age, was taken a prisoner of war and was exchanged. By his own exertions he procured an education, and was admitted to practise at the bar—was Attorney-General of the Territory of Tennessee, member of the Convention to form her State Constitution, a Representative and a Senator in Congress from the State, Judge of the Supreme Court, Major-General of the Tennessee militia, and Commander-in-Chief of the 7th military division, which included most of the Southern States and Territories, in the war of 1812. Whether seen in refusing to discharge a menial service for a British officer, and asserting his rights as a prisoner of war when a mere boy; in his skill and bravery in defeating his country's enemy in battle, whether civilized or savage; in chastising the treachery and insolence of Spanish governors; in proclaiming military law, and defying the brief authority of a pragmatist judge; in executing spies, in resisting nullification, in bearding in its den and strangling that empty and infamous engine of corruption, the United States Bank; in commanding and enforcing the observation of treaty obligations by foreign nations, or in resisting the currents of corruption which incessantly press upon the public treasury—the same native sagacity, the same singleness of purpose, the same high and holy considerations of duty, the same love of country, the same moral daring, the same iron will, and the same spotless integrity were manifested. Those who would fain have characterized him as rash, impetuous, and irreligious, were silenced and abashed when he proclaimed a day of thanksgiving and prayer to the Almighty for the rescue of New Orleans from a savage soldiery; and those who would have held him to be mercenary and selfish, saw him pledge his entire fortune to pay a fine imposed for disobedience to a process of the court, and distribute the money forced upon him by the gratitude of the ladies of New Orleans for that purpose, among the destitute widows and orphans of those who had fallen in those memorable battles.

He was a Democrat, not in a mere narrow partisan sense of the term, but in his faith and practice; a Democrat of the

great and catholic school of justice, equality, and freedom. He sought not the honors of station nor the emoluments of the Treasury. He despised the back-door scheming, the shallow gull-trap, the discreditable shifts and dishonorable resorts of mole-eyed and trafficking politicians. He knew no by-road to duty. He never "crooked the pregnant hinges of the knee that thrift might follow fawning." No one forfeited his confidence by a too rigid adherence to principle,—no such miserable word as expediency was found in his vocabulary. His unyielding nerve as a statesman, under opposition from such a combined array of talent as the world has rarely seen—when the good faltered, the mercenary were purchased, and the timid fled trembling, wrote the epitaph of monopoly, and hurled it to the bottomless pit forever. By the power of his indignant scorn he scourged all money-changers from the temple of legislation. He comprehended, as by intuition, the rights of the laboring many, and sought to preserve them against the craft and capital of the scheming and privileged few. He recognized but one standard in business, politics, and morals, and that was truth. Oh, that a double portion of his spirit might rest upon the Democratic party now, and that all who cherish and revere his memory would strive to emulate his pure and noble example!

Well may we, my Democratic friends, congratulate each other that the great Constitutional triumph we have achieved has given us for Chief Magistrate a statesman of large experience, of spotless character, one who was the friend and contemporary of Jackson—who enjoyed his confidence, and stood faithfully and fearlessly by him in the fierce popular conflicts which characterized that memorable administration, and who now, in the full maturity of wisdom, is about to enter upon the administration of the government. He has proved a true, trusty, and powerful leader, and let us extend to him, during a toilsome and laborious service, that generous support and indulgent confidence which one charged with the affairs of this great nation so eminently needs, and which his life and character assure us he will so well deserve.

The contest has been second to none which ever agitated popular feeling—the result, more important to our well-being as a people than any which has preceded it since the ratification of that treaty which recognized the independence of the United States.

A festive occasion like the present, when we have assembled to recount a great Democratic triumph, is unsuited to argumentative details; and our political opponents, by the usages of civilized warfare, are entitled to a temporary amnesty—to generosity rather than justice. We can afford to extend the one, they cannot afford to receive the other. But while we banish from the festive board and return to the armory the weapons which belong to the field of strife, we may take a passing note of the elements of error which in the late campaign were arrayed against us; men of all climes who never met before—the Puritan and the black-leg—the political preacher and the political gambler—those who laughed in their sleeves and those who wept in them—strong-minded women and weak-minded men, and miscellaneous material generally.

The question of domestic servitude or slavery, as existing in a portion of the States of this Union, is well calculated to furnish inflammable elements for a political campaign. It is a question which has puzzled and embarrassed the wisest and most upright statesmen, whose duty it was to consider its necessities. Its wrongs, real or imaginary, furnish an exhaustless theme for the ranting demagogue; and an incendiary press, in dilating upon its evils, can lay its missives of mischief at every honest man's door. Over it the hypocrite can weep until, to employ a commercial phrase, he will almost go into liquidation. To the fanatic it is a never-failing well-spring of self-satisfaction. Without it he would be miserable indeed. To him, as an estate, it is real, personal, and mixed; as nourishment and repose, it is meat, drink, and lodging; in logic, cause and effect; in manufacturing, warp and woof; in grammar, it is gender, number, person, and case. Over it he would revel in day-dreams on the enormities of slavery here, and at his death, in obedience to an ancient British act of Parliament, be *buried* in wool.

There is still another class who are honest and sincere in their opinions upon the question of slavery, but who have not carefully considered the relations which should exist between the federal Government and the States. They are inclined to be quiet, but, like the tortoise, run whenever fanaticism puts a coal of fire on their backs; and they run

too, and clamor withal, merely because they are artificially heated, and not because they have any well-defined object in view. These various and varied cliques, clans, and combinations, together with a large class who instinctively and intuitively, studiously and deliberatively, and in obedience to an inveterate habit, at all times oppose the Democratic party, its principles, its candidates, and its measures, compose this army of modern crusaders, who, regarding freedom as insufficiently born the first time, wish to give her a second trial—they themselves proposing to be *in*, not at the death, but at the *birth*; many of them doubtless regretting that they were not permitted, like that ancient and eminent "Republican," Peter the Hermit, to walk bare-footed, with loins girded, with long beards, and longer faces, amid suffering and starvation, to the theatre of their exploits.

When the campaign opened, it found the Democratic party in the field with its illustrious candidates—its banner hanging on the outer wall—its principles genial and universal as the sunlight—its theatre the whole country—East, West, North, and South. It was met by those who modestly styled themselves the "great army of freedom;" who had located their candidates in one of the sections of the Union; who had neither hope nor expectation of attaining a single vote beyond that section; but who sought, by inflammatory appeals upon the subject of Southern slavery, to obtain the electoral vote of the free States over the slave States, and thus seat themselves in power upon the fruits of sectional disturbance. In the selection of their candidate for President, they passed by the great champions of their own counterfeit freedom, and selected as their standard-bearer one who had scarcely rendered any civil service, but a soldier who, like young Norval in the tragedy of Douglass, had "*heard of battles*," and whose brief record, if they had been sincere, should have been to them an abomination. With such a general and such an issue, and such an army ("we ne'er shall look upon its like again"), they sought to conquer the spirit of the people, and crush out the life-blood of the Constitution. They abandoned all their former issues, good, bad, and indifferent, including that of coercive temperance, which, but one year previous, had been their political touchstone (but which had, as railroad conduc-

tors say, failed to make connection), and staked their all upon the issue of slavery alone.

In the exuberance of their zeal, they characterized the Democratic party as the pro-slavery party—as advocates for its extension throughout the Union—as engaged in an effort to inaugurate the rapacious slave power upon the ruins of freedom. They denounced the Democratic candidates as pro-slavery candidates; and copious were the “salt tears” that were shed over the reflection that this fair heritage was to be blasted by the curse of slavery, and the dreams of many a doting mother were filled with terror, lest perchance the Democratic candidates should be elected and the poor slaves dispersed and distributed throughout all the States and Territories, even should it become necessary to treat them as farmers do their seed potatoes—cut them in pieces so that each could have a share. They sought not to influence the popular judgment by argument and by appeals to the good sense of the people, but by intemperate harangues, by desecrated pulpits, by debasing and poisoning the public mind at the social fountain, and by political psalm-singing, until one might have been reminded of that significant if not elegant verse:

“Sternhold and Hopkins had great qualms,
When they translated David's psalms,
To make the people glad;
But had it been poor David's fate
To hear you sing and them translate,
By heavens! 'twould made him mad.”

The Democratic party takes for its guide the Constitution. It proscribes no one because he did not choose his birth-place in advance; nor because of his religion. It assumes not to be wiser than the sacred compact, nor more patriotic than the fathers of the Republic. It regards the question of domestic servitude as the Constitution regarded it; it proposes to treat it as our fathers treated it, leaving to the States where it exists to abolish it as we did, or continue it, as to them seems best. When the question shall arise concerning a Territory, they propose to leave it to the people of that Territory to dispose of it for themselves, and not turn it over to Congress,

composed of two adverse interests, where it can never be discussed without sectional bitterness and public detriment. If, perchance, the wise principles of self-government shall be subverted by violence, and its operations prevented by foreign influences, they would seek to correct and remedy the abuses, and bring the wrong-doers to punishment, rather than change a great and salutary principle which forms the life and essence of popular liberty.

The States of this Union were "free and independent States," when they adopted the Federal Constitution. They united to form a more perfect Union than the old confederacy under which they had associated; to establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to themselves and their posterity; and not for the purpose of officious interference in the domestic affairs of each other. In every respect, except those enumerated, these States are still as independent of each other as of the governments of Europe, and it is tenfold more officious and offensive for one of these United States to intermeddle with the domestic affairs of another, than to insult and degrade the flag of any other independent sovereignty.

But the great stalking-horse and modern bugbear is the extension of slavery; and many an honest man has been alarmed lest the dark current of slavery, like a swollen stream, should overflow its boundaries and sweep away the last refuge of freedom. It may be stated as an equally important fact, that slavery cannot stretch in America; and, if it is extended, it must be done by the same process the good old lady decided the leopard could change his spots: by going from one spot to another. Those who so much fear its extension seem to suppose that it can

"Live through all time,
Extend through all extent,
Spread undivided,
Operate unspent."

The United States have a population of nearly thirty millions of whites, and about three millions of blacks held in sla-

very, and the alarm seems to be concerning where the black men shall stand upon the national checker-board. The political economist sees that slave labor, like other labor, will be controlled in its local appointments by demand and supply—that when it exercises its powers of locomotion, it will follow the sugar, rice, and cotton crops, and not seek the grass and grain-growing regions; that until the whole nature of man is changed, he will not carry his slave labor from where it is productive and profitable to where it cannot earn its own subsistence, and where soon, “if the slave does not run away from the master, the master will be compelled to run away from the slave.”

If the great problem of self-government should finally prove a failure, and a territory of people against their own interests and wishes should adopt slavery as a domestic institution, the next question arising will be, from whence shall they obtain their supply? There is no foreign slave trade, and is not likely to be; and slaves of flesh and blood cannot be manufactured by figures of speech as can “bleeding” Territories. Nor will the anti-Malthusian laws of population come to the relief of those who tremble for the extension of slavery throughout the Union, but go on under that Mede and Persian law of nature, which says there is a time for all things. If slavery should be extended, and the laws of population should not be extended with it, those who make up the extension would be drawn from some territory now slave territory; and thus, if new territory should be desecrated by slavery, old slave territory would be given back to the captivating arms of “Republican” freedom. If the whole three million slaves should be taken to the Territories, fifteen States would be restored to freedom, and in the same proportion in a greater or less degree. If they should be distributed through every State and Territory, as it was vehemently urged by our opponent they would be if Mr. Buchanan should be elected, there would scarcely be enough to serve as monuments for State and county lines. The whole pretence of its extension by diversion from the planting regions, is the invention of the designing to alarm the prejudices of the weak, and is deserving of more ridicule than serious notice.

The demagogue never yields so long as the agitation is

profitable. Success, and success alone, determines how long he bestrides the hobby, and when he is to turn it loose for another. But the fanatic, once mounted, rides to the bitter end. Neither the equestrian exercises of John Gilpin, Mazeppa, Miss Killimanseg, or Billy Button, rival his feats. He rides the hobby while it lives, and when it expires, its muscles become rigid, its eyes glazed, and even when it gives evidence of natural decay, he sits astride it still in full faith that it will soon revive for another and successful heat. And the more absurd and incendiary and dangerous to society, the more precious to him and the more tenaciously he will hug the stupid conceit. Having mounted the question of slave extension, though a mere abstraction, he will ride it long after slavery shall only exist in name; and if all the great interests of mankind were thrown into one scale and this abstraction into the other, he would jeopard the whole rather than give up one jot or tittle of his conceit, or cease to cry over it like a howling Dervish.

It is time this miserable sectional warfare was arrested. It has disturbed the harmony of society long enough, and should be spoken of and reprehended as it deserves.

"Tender-handed touch a nettle,
And 'twill sting you for your pains;
Grasp it, like a man of mettle,
And it soft as silk remains."

The agitation of this sensitive and disturbing element in the political conflicts of the day has not been merely bootless in its results or negative in its influence, but, without bringing any benefit or advantage to a single human being, black or white, has sown the seeds of bitterness and dissension between sister States, has estranged and arrayed one section against another, has riveted the fetters of slavery afresh, has retarded the course of final emancipation for half a century, and is at this moment visiting upon these hapless beings the terrible consequences of a servile insurrection.

There are one or two platoons in this memorable army of freedom worthy of especial mention. The main body not only had the indirect aid of the "American" party (who proposed to run an independent candidate, and who, according to rumor,

did actually run one in a greater or less degree, though principally in a less), but also the powerful and efficient and direct assistance and support of that eminent brotherhood of hope, the Choctaws or North "Americans." Their motives, it is generally conceded, could not have been less pure than their patriotism. In this State they seem to have quite appropriately copied the instincts of that nondescript in the fabulous yet famous war between beasts and birds, and on which occasion

"The prudent bat joined neither cause,
Among so many teeth and claws,
Till in the battle's thickest heat
He thought he saw one side would beat,
And then he joined the strongest part,
And fought with all his might and art."

In our noble sister State, Pennsylvania, a similar interest or organization, guided by considerations certainly no less elevated than those of their brethren of the Empire, sought, and with partial though not complete success, to unite with the main "army of freedom"—to form a political copartnership, each party contributing to the capital stock and each putting in its effects on hand as capital, each devoting their time to the interest of the joint concern, each keeping the secrets of the trade, neither to be at liberty to draw out capital without the consent of the other, and each to be entitled and liable to share the profits or loss in proportion to the amount invested.* The fruits of this marriage promised a specimen as rare as that of a most remarkable child, born a few years since at the

*In the Presidential campaign of 1856, the Republican and American party managers sought to carry the State against the Democrats by a novel and curious coalition. They formed a joint electoral ticket, made up of half the candidates on the Republican and the American electoral tickets respectively. The ticket designed to be voted by the Republicans was headed by the name of the Republican candidate for State elector or elector at large, and that to be voted by the Americans was headed by that of the American candidate for elector at large; under the agreement that if the State should be carried by the coalition ticket, and more votes were given by the Republicans than by the Americans, the votes of the State in the electoral college should be given to the Republican candidates for President and Vice-President; but if the most votes were given by the Americans, then the American candidates for President and Vice-President should receive the vote of the State.

West, of such peculiar physical development that the problem was submitted to one of the most learned men of the age for solution. The child, the professor was informed, was, by a direct line along the centre of its head, face, and body, one half black—black as a negro—and stranger still, one half its head had the wool of a negro. The learned professor took refuge in abstract physiology. He suggested many interesting theories, and essayed to arrive at a satisfactory conclusion for a time; but finally inquired, "And how was the other half of the child?" "Oh, that," said his informant, "was *black too*." But the fates were adverse, and this union, instead of yielding its fruits in season and after its kind, was smitten with barrenness and impotency; the parties to it sunk into premature decay, without lineal descendants. The legacy of treasured recollections which they bequeathed has already lapsed, for the lack as well of those who could as of those who would consent to take it. It would savor of discourtesy, perhaps, to pass by that numerous class of eminent individuals who, becoming wearied in the tame and spiritless routine of saving souls, used their pulpits, as the wicked one did the mountain, as a high place from which to preach temptation, and turned their attention in the late campaign, by way of interest and variety, to the gathering in of partisan votes. Since the dawn of the Christian era, amid all the agitations, conflicts, and persecutions which have afflicted society, a minister of the Prince of Peace, a follower of that meek and lowly being who spake as never man spake, has been regarded with veneration by all good men. He has been consecrated to the high and holy service of heaven by appointment, and his vocation has been well and truthfully portrayed by an eminent writer.

"The pulpit, therefore (and I name it filled with solemn awe),
Must stand acknowledged while the world shall stand
The most important and effectual guard,
Support and ornament of virtue's cause.
There stands the messenger of truth, there stands
The legate of the skies! His theme divine,
His office sacred, his credentials clear.
By him the violated law speaks out
Its thunders; and by him, in strains as sweet
As angels use, the gospel whispers peace.

He 'stablishes the strong, restores the weak,
 Reclaims the wandering, binds the broken heart,
 And, armed himself in panoply complete
 Of heavenly temper, furnishes with arms
 Bright as his own, and trains, by every rule
 Of holy discipline, to glorious war
 The sacramental hosts of God's elect.

* * * * *

He that negotiates between God and man,
 As God's ambassador, the grand concerns
 Of judgment and of mercy, should beware
 Of lightness in his speech."

"O what a fall was there, my countrymen," when the legitimate functions of this office were exchanged for the hustings—when the accents of redeeming grace and dying love were lost in the harsh notes of an election harangue—when the subduing influences of sublime gospel truths were supplied by fabulous relations of a partisan political adventurer—when the counsels of peace were laid aside for counsels of strife and passion—when the house of prayer was made the theatre of a political canvass. Society has visited with execration and prescribed severe penalties against those who poison the natural fountain where even a limited number are accustomed to drink occasionally; but how much greater the wrong of him who adulterates the great moral fountain from which an entire community slake their thirst. The evil consequences of this strife could never have been considered. Its pernicious influences can never be estimated, nor rooted out for generations. It has done more to demoralize the public mind than every other social evil combined, for it has planted "death in the seat of life." It has done more to desecrate the cause of religion than the worst opinions of Paine; more to raise up an army of scoffers than the writings of Voltaire; more to manufacture infidels than the seeds sown in the French Revolution; and when all these influences shall have been exterminated and forgotten forever, the plague-spot of political pulpits will rest upon society like a deadly incubus. It is the mission of Democracy to preserve the equality of the masses and to correct all abuses which threaten the well-being of society. They will meet these hooded and plausible pretenders at the threshold, and expose their true

character and designs. Thank Heaven! while many clergymen sympathized and voted with the Democratic party in the late contest, not one prostituted his pulpit, insulted his people, or desecrated his robes by a campaign discourse.

Political parties were first thoroughly organized upon the struggle for the Presidency between Thomas Jefferson and the elder Adams; and since that period, the Democratic party has wielded the power of the federal government about three-fourths of the time, and as a nation we have prospered beyond the conceptions of romance. From thirteen feeble States struggling for independent existence, we have become one of the great and honored nations of the earth, with thirty-one populous and powerful sovereignties and others in process of development. From three, our population has reached about thirty millions. From the Atlantic slope we have encompassed, fertilized, and reared great and prosperous States upon territory beyond the northwestern lakes—have overleaped the barrier of the Rocky Mountains, and gone down the western declivities to rear happy homes, and towns, and cities, upon the broad prairies of Oregon and the golden streams of California. No wasting wars consume the productions or drink the life-currents of the masses—no onerous taxation gnaws like a canker at the root of the public good, but happiness, peace, and prosperity attend us as a people. Labor is generously rewarded—virtuous industry and want are strangers. Every interest is encouraged and protected—the popular heart throbs high with hope—the eye beams with health and gladness, and the brow speaks out the independence of honorable manhood. Agriculture spreads out her carpet of varied colors—her fields of golden grain, her flocks and herds and cattle on a thousand hills. Commerce drives her prow by sail and steam where civilization has never before penetrated, and ministers to the great interests of society by exchange of earth's varied productions. The hum of the manufactory and the ring of the artisan's hammer are heard upon either hand—the scream of the locomotive tells us that distance has been conquered, and the currents of thought, coursing from the heart to the extremities of the Union through metallic veins, assure us of the annihilation of both time and space. There points the sacred spire to Heaven, preaching refinement and religion—there the college and the seminary, and there

stand by the wayside those impregnable fortresses, the moral Gibraltars of America, which can neither be conquered by siege nor storm, where men and women are trained for duty in the great battle-field of life—the Common Schools.

“O Heaven! it is a goodly sight to see,
What God hath done for this delicious land,
What fruits of fragrance blush on every tree,
What goodly prospects o'er the hills expand;
But man would mar them with an impious hand.”

Under the guidance of a beneficent Providence, which has sustained and protected us through every vicissitude, our country is indebted for its unparalleled success to the benign principles of Jacksonian Democracy. Let him who would cavil look back, if he can, dispassionately upon the pathway of the past—let him carefully contemplate the glorious present, and inquire what would be our condition as a nation with the Louisiana purchase, including the whole valley of the Mississippi, in the hands of a foreign power, and then remember that this purchase was the fruit of the first Democratic Administration, and was assailed by all the eloquent vehemence and vindictiveness that the opposition, then strong in numbers and powerful in talents, could summon to its aid. Where would have terminated the impressment of our brave seamen—the insults offered to our flag—the stimulating of merciless savages upon our border to deeds of blood, but for the war of 1812? And yet, a Democratic Administration carried that measure by a single vote over the combined power of the opposition, amid a war of opinion as fierce as that which a common enemy has waged against us. Where would have been that great Juggernaut—the sea-serpent of swindling corporations—the United States Bank, with its branches and pensioned retainers in every principal town to sap the foundations of public virtue, drawing within its insatiable jaws the fruits of industry, and destroying in its execrable career whole communities by slow consumption, but for the Democratic party—aye, but for the Democratic party, with Andrew Jackson at its head? It had, like the monster of sacred history, begun to inquire vauntingly, who was able to make war upon the beast? Congress fled before it in alarm, or

fell within its seductive grasp, and it was finally throttled and strangled by the "eternal" grasp of a single hand! The history of that day is written as with a pencil of fire, and will remain as fadeless as the stars. It need not be re-written or repeated here. But let those who are accustomed to scoff at Democratic measures and to revile Democratic leaders, contemplate the history of that period and receive instruction.

Where would have been the financial reforms, the Independent Treasury and the Revenue Tariff of 1846, each the result of a hard-fought contest, hand to hand and steel to steel, with the opponents of Democracy! Each measure was denounced by their orators and presses as ruinous to the best interests of labor and of the whole country. The supporters of these measures were placed high in the pillory of their indignant disapprobation, and the dark thunder-clouds of their wrath were relieved and lighted up only by the flames of Democratic effigies. Where would have been that bright and beautiful star, which "with twinkling lustre, glimmers through the night" upon our southern border, if the Democratic party had not, in 1844, sung in earnest that stirring campaign song, "James K. Polk and Annexation," and reduced its sentiments to practice? Who would have coined for us the virgin gold of California, have furnished our seamen a Pacific harbor, and have made a great commercial town as an entrepot for the commerce of the Eastern and Western World, had not a Democratic Administration chastised the lawless insolence of Mexico, and literally planted the stars and stripes on the ancient halls of the Montezumas.

And last, though not least, amid the terrible sectional conflict we have experienced, where would have been preserved that great right, the Magna Charta of freemen, the principle of self-government or popular sovereignty, had it not been rescued from the dark current of discord which burst upon us, and asserted in theory and maintained in practice by the Democracy through good and through evil report?—a principle which throbbed with the embarkation of the Pilgrims, which was formally embodied on board that bark freighted with the best hopes of humanity, the Mayflower—which nerved the arms and buoyed up the hearts of the Adams and Eves of this Republic at the Rock of Plymouth—which resisted tyranny and oppres-

sion in an uninvited tea-party in Boston harbor—which cried from the ground at Lexington in the spirit of butchered liberty—which fought at Bunker Hill and conquered at Saratoga and Yorktown. It is the spirit in which the essence of our institutions was founded—it proclaimed man to be free and equal, and these of right to be free and independent States in the Declaration of American Independence. It left this priceless inheritance—not the divine right of kings, but the divine right of men—to the people of the States of the Union in forming a common compact. This great principle, which every patriotic heart must cherish, has become the dividing line between Democracy and its antagonism. Its application to Territorial organization has saved the Confederacy from results which no friend to his country can calmly contemplate. Its assertion as a cardinal feature in the Democratic creed has carried us through the late great contest in triumph, and secured us a wise administration of public affairs for the term of four years.

But the triumphs of Democracy are not yet completed. The party is yet destined to enjoy a victory upon the question of self-government, as final, as complete, and as lasting as those they now enjoy over the defunct remains of the United States Bank. They have other acquisitions to achieve by the opinions of mankind—other prejudices to subdue—other races to assimilate and absorb—other domains to fertilize—other States to add to the constellation of hope.

Many years since, as an humble agent of the Democratic cause, in a conspicuous station, I had the honor of proposing what I believed to be the true Democratic principles upon the subject of the acquisition and government of territory. The principles asserted were :

“ That true policy requires the government of the United States to strengthen its political and commercial relations upon this continent by the annexation of such contiguous territory as may conduce to that end, and can be justly obtained ; and that neither in such acquisition nor in the Territorial organization thereof can any conditions be constitutionally imposed, or institutions be provided for, or established, inconsistent with the rights of the people thereof, to form a free sovereign State, with the powers and privileges of the original members of the Confederacy.

“ That, in organizing a Territorial government for Territories be-

longing to the United States, the principles of self-government upon which our federative system rests will be best promoted, the true spirit and meaning of the Constitution be observed, and the Confederacy strengthened, by leaving all questions concerning the domestic policy therein to the Legislatures chosen by the people thereof."

It is with no ordinary emotions of pride and gratification that I see sentiments thus enunciated upon a subject then so imperfectly understood, after a discussion so elaborate and a consideration so mature, approved in theory and adopted in practice by the entire Democratic party of the Union. I had an early and abiding faith that such would be the result, and had I at any moment been inclined to retreat, like Fernando Cortez I would have committed all means of escape to destruction. The great principle of popular sovereignty upon which the Democratic party is completely and thoroughly united, will "stand the test of talent and of time." The thunder of the opposition may roar, the winds may howl and the storms beat, but it will withstand them all, for it is founded upon the spirit of the written Constitution, and rests in the inherent rights of man.

Democracy is not a creation of yesterday or to-day, nor its party a temporary combination to attain power. The principles form the party and not the party the principles, for the principles are eternal. It is the natural and uniform foe of inequality, injustice, oppression, or privilege. It engrafts no schemes nor designs—no idle dreams of social reform, no moon-stricken conceits upon its broad and benevolent charter. It admits no Utopian ideas of this earthly, matter-of-fact world; it seeks to uphold society by the self-sustaining power of its own moral influences, and believes that man should govern himself and not his neighbor. It reposes for its security upon popular intelligence and not upon bolts and bars and the defence of physical agencies. It wins by its justice and seeks not to terrify by its power. Its conquests are bloodless, for they are won by the omnipotence of opinion and not by the sword.

The destinies of this great and happy land are committed to the guidance of the Democracy, and that designation is intended to include all true friends of the Constitution, regardless of former differences. They are charged with a duty alike inter-

esting and responsible. By a firm and judicious exercise of the trust confided to them, the world, which has so long groaned under the iron exactions of tyranny, may yet pay back to liberty and humanity, with interest, its long accumulated debt. With the principles of Thomas Jefferson for our guiding star, and the spirit of Andrew Jackson at the helm, the ship of state shall weather every storm and be moored in the haven of peace. The ensign of this Republic shall be seen, "its arms and trophies streaming in their original lustre—not a stripe erased or polluted—not a star obscured, but everywhere spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land in every wind under the whole heavens, that sentiment dear to every American heart—'Liberty and Union, now and forever, one and inseparable.'"

REMARKS

MADE ON THE OCCASION OF THE PRESENTATION OF A TESTIMONIAL
TO W. B. GILBERT, ESQ., AT SYRACUSE, N. Y., April 29, 1857.

[The employees on the Syracuse and Binghamton Railroad presented to W. B. Gilbert, Esq., on his retiring from the superintendency of the road, a magnificent gold watch and chain, appropriately inscribed, for his own use, accompanied by a fine gold watch, chain and pin, as a present to Mrs. Gilbert, and a handsome cameo set, pin, earrings &c., for his daughter. The presentation took place at the Syracuse House, in the presence of a large number of the friends of Mr. Gilbert. Among the invited guests were Hon. Erastus Corning, President of the N. Y. Central Railroad Co., Geo. Peabody, Esq., the London banker, Mr. Lamson of London, several members of the Board of Directors, and a large party of ladies and gentlemen.

Mr. Schemerhorn, President of the Road, announced the object of the gathering, and introduced Hon. Mr. Dickinson, one of the Directors, who made the presentation in behalf of the donors, with the following remarks, to which Mr. Gilbert appropriately responded. — *Syracuse Courier.*]

MR. SUPERINTENDENT—Those who have been engaged in constructing and operating the Syracuse and Binghamton Railroad, under your general superintendence, having learned that the official relations which have so long existed between you and them were about to be dissolved, that you might enter upon a new and more extended field of labor and usefulness, have determined to signalize their high appreciation of your personal and official character, and evince their friendship for yourself and family, by offering for your and their acceptance some appropriate testimonial, and have devolved upon me the pleasing duty of a formal presentation.

About five years since, Syracuse and Binghamton were separated by a tedious two days' journey. Under your guidance,

these places—the lakes of Onondaga and the waters of the Susquehanna—aye, Oswego and New York—the Ontario and the Atlantic—were in eighteen months made near neighbors ; and that, too, by a work which opened one of the loveliest though most secluded portions of the State. Amidst physical obstructions the most serious, and financial embarrassment so alarming that all kindred undertakings were either abandoned or suspended, this work progressed steadily onward to its completion and physical triumph, and if its financial success was postponed to a later period, those who projected and those who executed may indulge the gratifying reflection that it was induced by causes beyond their control. And there is the structure open for trade and travel, ministering to the social advantages and business interests of society, and there it will remain when the head which designed, the hands which guided, and the muscles which wrought in its construction shall all lie down in a dreamless sleep together.

Nor have your efforts in its superintendence since its completion been less successful. While on either hand hecatombs of victims have been sacrificed to the raging spirit of the times, by negligence or want of skill, of the great number who have passed over this road not a limb has been lost, nor a single human life imperilled.

But it is not the success with which you have surmounted physical obstacles, nor the science by which you have guided the fiery locomotive ; it is not the mighty embankments which you erected, the deep gorges you have filled, the hills you have levelled, the morasses you have drained, nor the viaducts you have constructed, which have endeared you to your associates : it is because in all your actions, while you have sought to conquer the physical elements by force, you have wielded moral energies by induction ; because in your intercourse with them, though their official superior, you have never forgotten, either in theory or in practice, that memorable and primary truth that *a superintendent was no more, and a subordinate no less a man*. This has bound their hearts to you as one in the truest bonds of friendship, and secured for you forever their highest respect and esteem.

So mysteriously has a beneficent Providence interwoven the domestic relations, that had your efforts in this undertaking

been characterized by the absence of integrity or skill, your family must have shared with you the opprobrium. In this moment of a husband's and a father's pride, shall not a confiding wife and affectionate daughter participate in his triumphs? Be pleased, then, to accept from those who thus esteem you the watches presented for yourself and Mrs. Gilbert, and the ornaments for your daughter, as material evidences of the sincere regard for yourself and family.

The watches will enable you to contemplate the value of time, and to admonish you that both artificial and moral machinery should be well regulated; that, if not kept in proper beat and permitted to run either too fast or too slow, it is entirely useless, and none will suffer detriment if it is permitted to run down altogether. They will serve to admonish, too, that time is fleeting; and that the finely polished balances will continue to vibrate when the hearts of those who receive and those who present shall have ceased to pulsate forever. The ornaments bestowed upon your daughter are but emblems of purity and loveliness—those priceless jewels which adorn the female character, and which your associates are assured have been your solace amid the long and laborious period of service.

You are about to visit a distant region, and it is in vain to believe that we shall ever be re-united by the uncertain current of existence. Were we gifted with a patriarch's inspiration, we would impart to you and yours our blessing. Wherever it may please a beneficent Providence to cast your lot, you will remain, to us and each of us, an object of anxious solicitude and cherished friendship. May the ties which have united us in sympathy and feeling never be broken. In running your course according to life's allotted time-table, may you avoid all collisions which derange and destroy man's moral machinery, and arrive seasonably at the stations, and may you overcome all elevations until you reach the summit of earthly existence, and your descent adown its incline plane be safe and gentle; and when the fires of life's locomotive shall be quenched, its power exhausted, and its wheels revolve no longer, may you be welcomed at that universal depot, prepared for all travellers who have returned home from life's toilsome and perilous journey.

SPEECH

DELIVERED IN RESPONSE TO A PUBLIC SERENADE, AT WILLARD'S
HOTEL, WASHINGTON, D. C., THE EVENING OF May —, 1857.

[The *Washington State* noticed the occasion as follows :

“The eminent leader of the New York Democracy is at present in this city. He has been absent six years from the scene, in the foreground of which his manly virtues and Democratic integrity stand prominent in connection with some of the most important political and national questions and movements of our time. Coming here in a private capacity, his hotel has been visited by numerous public gentlemen, anxious to pay the unbending Democratic citizen the debt of intellectual gratitude which must remain due for all time to the stability and eloquence of the Senator.

“The following is the report of the ex-Senator's remarks on his introduction to the public by Dr. Everett, on the occasion of his being serenaded at Willard's Hotel, where an immense throng had assembled to look upon and pay their respects to the ‘old man eloquent.’”]

MY FRIENDS AND FELLOW-CITIZENS—I can make no return for this testimonial of regard for a private citizen, but the sincere tribute of a grateful heart.

Upon the expiration of my term as a Senator in Congress, more than six years since, I returned to my home with more pleasing anticipations than I had left it, and I have since been devoted to professional and rural pursuits, with no interval of relaxation. Finding that a few days could be borrowed from accustomed avocations, I came with that portion of my household which a Providence that “doeth all things well” has spared to me, and a party of family friends, to revisit the political metropolis, and indulge the train of sad and pleasing memories which the changeful currents of life have presented for our contemplation. We came to see again the place where we had reared our children, where we had formed life-long

friendships, where we had enjoyed a generous hospitality and a sweet social communion, where we had been associated with those who have gone to their rewards and repose—the illustrious dead; where we have so long and so faithfully been sustained and cheered by the valued and confiding friends who have remembered us in our seclusion and come hither to cheer and honor us again with their kindly greetings.

We have seen again that venerated Senate Chamber, so filled with stirring recollections, and bethought us of the once familiar voices which are now hushed forever. We have seen again the ancient Capitol, extending in its mighty magnificence and architectural grandeur to meet the increasing demands of a great and growing people; the early golden sunshine which we loved in other days beams again; the same spacious parks, the familiar walks, the babbling fountains, the spreading trees, the shaded lawns, the green sunny slopes, the bright blooming flowers, and the glorious Potomac, are all here, and lift up their voices with numerous smiling friends to bid us welcome.

On every hand evidences are rising up, as if by magic, of increased wealth, enterprise, refinement and taste, rendering Washington worthy of the consecrated name it bears—worthy to be the federal capital of a great family of free and independent States. That it may remain such forever is my ardent prayer; that every State may come here to mingle in the family communion, with her sovereign, independent equality of right; that all may meet together, like children of a common father, in the true spirit of the Constitution, and prosecute together their benign mission of liberty on earth—the freedom, equality, and self-government of man.

In the humble public career to which allusion has been so kindly made, it was my highest ambition to sacrifice upon the altar of my country my choicest offerings. O, would that, in a cause so sacred, I had other and worthier gifts to bestow. What that public course was, let history tell. I will only add, that were my course upon the absorbing questions of that day to be repeated, it would only be changed by pursuing the same subjects, in the same direction and in the same manner, with such increased force as a more abundant reflection and enlarged experience would enable me to command.

Our country is enjoying unexampled prosperity, and our people command repose from causeless agitation, either domestic or foreign. The fires of fanaticism at home are burning themselves out for lack of fuel, and a great, brave, and intrepid people are satisfied that they can better advance the blessings of civilization and Christianity by cultivating the arts of peace than by resort to the sword.

An executive chief has recently been inaugurated to discharge the most honorable relations on earth, in whose wisdom, and in that of those he has chosen as his constitutional advisers, the great mass of the American people, in every section of the Union, have entire confidence—confidence that justice, firmness, and moderation will characterize our intercourse with other nations—that the integrity of the Union will be preserved in the spirit of the Constitution, the rights of sovereign States maintained inviolate, and the people in the Territories secured in the dearest privileges of the American citizen, good order and the constitutional guaranty of true self-government.

No one has ever fully estimated the moral influences of the people of Washington upon the destinies of this country through the social relations of life; nor told how many sectional prejudices have been thus mitigated, how many errors corrected, how many lasting, valued friendships have been formed. And may this gentle, genial influence continue to diffuse its blessings throughout the entire Confederacy, and continue to strengthen the bonds of fraternal feeling which make a multitude one. May every star in the constellation shed its radiance upon every other; and may they vie with one another hereafter only in brightness and glory.

For myself and family and friends, I thank you cordially for the honor extended us, and shall look back upon it hereafter as one of the bright passages upon the page of life's history. We shall return to our homes pleased and gratified with our brief visit, remembering that our lives have fallen here in pleasant places, and among such friends as few have ever had.

ADDRESS

TO THE JURY IN BEHALF OF THE PRISONER, ON THE TRIAL OF
JOHN M. THURSTON, AT THE TIOGA OYER AND TERMINER,
OWEGO, N. Y., October 18, 1857. DEFENCE, INSANITY.

[The jury rendered a verdict of guilty of murder, which was reversed on appeal to the Supreme Court, and a new trial ordered, upon which, at Ithaca, Tompkins County, the prisoner was acquitted by reason of insanity, and sent to the Asylum for the Insane at Utica.]

MAY IT PLEASE THE COURT, GENTLEMEN OF THE JURY—
When a worthy and esteemed citizen is cut off in the prime of his usefulness, by an act of violence and blood, and with startling suddenness, the mind is ordinarily disqualified from judging dispassionately of the causes which incited to and produced it. Deeply impressed with this obvious truth, the counsel and friends of this unfortunate prisoner saw you take your seats in the jury-box, many of you declaring that you had formed opinions against him. You were admitted, nevertheless, to sit in the case, because we had confidence in the truth and justice of our defence, and in your purity and integrity. You were selected from the great body of your fellows, because we believed you could rise above prejudice and rumor, and, laying aside preconceived opinions and unfavorable impressions, hear the cause patiently and render a verdict therein, in pursuance of the oaths you have taken, according to evidence. Your position is most fearfully responsible. You hold in your hands the mighty issues of life and death, and must answer to mankind, to your own consciences, and to a just God above us, of the deliverance you here make.

Upon the happening of this unfortunate occurrence the people of this community manifested a feeling worthy of themselves and of their law-abiding character; worthy of their par-

entage, their New England origin. They saw that human life had been taken by an act of violence, and they moved with becoming alacrity to secure investigation according to law. The numerous and highly respectable friends of this stricken man find their slender means arrayed against the strength of the most powerful State in the confederacy; yet they fear not, for they have heard you pledge your oaths before God and man to give a verdict according to evidence, uninfluenced by other considerations.

The prosecution against an individual charged with crime is conducted at the public expense. A public prosecutor is provided in every county, who is paid from the local treasury, and in cases when the Governor shall believe the cause of public justice requires it, he may send the Attorney-General of the State to conduct the trial in person. In this case, although the District Attorney is himself a lawyer of ripe years and extensive knowledge, and has presided over courts where he now stands at the bar; although two distinguished local counsellors are found associated with him to quicken his vigilance and supply contingencies, yet all this is not deemed sufficient for the pursuit of this man, and those having it in charge have passed by the first law officer of the State, and invoked and procured one of a more enlarged experience to aid in attempting to procure a conviction. Of all this we do not complain, unusual as it would seem to be, but assert again our entire ability, against all this preparation, to show from the evidence that this prisoner is not guilty. Here, in this community, was this sanguinary deed committed; here was its perpetrator arrested and presented for trial; here arose that feeling which has caused this effort to bring to condign punishment, and here will a verdict of acquittal be hailed with gratification and *éclat* by every one who respects the administration of justice, when they see that such result is in harmony with the spirit of the law.

But a few years since a man named Lawrence attempted to take the life of General Jackson, then President of the United States, while attending the funeral of a member of Congress at the Capitol. This illustrious man, at that time, it will be well recollected, was sustained by warmer friends and assailed by more vindictive enemies than any other indi-

vidual of the age. The public questions under discussion, too, lent a virus to partisan fury; and the agitations of the political ocean literally cast up their mire and dirt. The attempt of Lawrence evinced all the characteristics of deliberate preparation. The pistols, balls, powder, and caps, had been purchased with murderous precaution; the weapons had been carefully loaded, and each was snapped at the heart of the venerable man. It was an act well calculated to arouse his friends, and they more than insinuated that their opponents had stimulated Lawrence to murder, and scouted the idea of insanity which was claimed for his apology. Lawrence was arrested and thrown into prison; but, in process of time, he stood at the bar before a jury for trial. Learned and experienced men pronounced him to have been insane, and he was acquitted by reason of his insanity. The same multitude who had believed him guilty, and had tossed and raved against him at the time of his arrest, were hushed into respectful silence when the majesty of the law, in the language of the Saviour of men, said, *Peace, be still*. So it will be here; and those who most loudly demanded trial and investigation, demand that the guilty alone shall be convicted.

Those who would pervert the tribunals of justice to the purposes of judicial murder, by procuring a conviction without evidence, are, for the honor of human nature, very few. There are few ravens, indeed, who croak for human blood; few vultures who whet their bloody beaks and dirty talons that they may tear the quivering vitals of a neighbor and a brother; few hungry hounds who howl impatiently to dispute over the mangled remains of the murdered. The great masses know and feel that the same law which condemns the guilty vindicates the innocent; it plucks down the high and raises up the lowly, and when our boasted system shall, with all its theories of equality and justice in practice, condemn without a hearing and convict without or against evidence, let us consign our constitution and laws to the dungeon where we confine and chain the criminal, drape them up with mourning, and cover them with dust and sackcloth. Like the early despots of the East, let us dip our hands in gore and stamp them upon the parchment which proclaims the abominable edict; like the sanguinary code of Draco, let our laws be written in human blood.

You have learned as well from the opening of the counsel for the prosecution as from that of my learned and eloquent associate for the prisoner,* that the defence is insanity, and you have heard the peculiar symptoms of the insane described by the latter, and enforced and illustrated by many authors of celebrity. You have, too, learned that an acquittal, by reason of insanity, does not restore the prisoner to liberty, but commits him to the walls of a lunatic asylum for confinement and humane treatment. And is it not enough that this young man, stricken of heaven by this afflictive malady, should be torn from a beloved and once happy home and all he held most dear; his domestic hearth be left cold and desolate, while his prospects, just budding into life, gave promise of happy fruition—be torn from a beloved and affectionate wife before her young affections had learned to nestle to his heart? In proving hereditary insanity to have existed in this family, we called an aged man, who, with the eloquence of grief, declared that they were an afflicted family; and when he spoke of the infirmity which rested upon the mother, who, in his infancy, taught him holy words in prayer, and wept over the recollection of her goodness, it seemed to me a bright and beautiful oasis in the great desert of human existence.

Insanity may well be regarded as the greatest calamity which afflicts our nature; and if there is one cup more deeply drugged than another with bitterness, and which of all others we should prostrate ourselves before our Maker and pray to have pass from us, it is a deprivation of our reason. This was most feelingly portrayed by that bright and beautiful child of purity and song, who came among us to warble a few sweet notes, and then to disappear like a star that twinkles for a moment upon the horizon's verge, and goes out forever—Lucretia Maria Davison. In some lines, touchingly beautiful with the simplicity of truth, she attempted to describe the fear she entertained of this fell enemy of man; but the delirium seized upon her brain before they were completed, in the middle of a sentence, and they were thus published in her brief memoirs. She says:

* MR. CAMP.

"There is a something which I dread,
It is a dark and fearful thing,
It steals along with withering tread,
Or flits on wild destruction's wing.
The thought comes o'er me oft in hours
Of grief, of sickness, or of sadness.
'Tis not the dread of death, 'tis more—
It is the dread of madness."

It was at an early day the humane practice to smother those afflicted with hydrophobia between feather beds, and that was mercy too, compared with the treatment of the insane. They were cruelly beaten and chastised for a supposed perversity of temper, confined in loathsome and gloomy dungeons and "shut from the common air and common use of their own limbs;" fed on refuse food, laden with chains, and treated like ferocious and venomous beasts. The annals of criminal justice can present no instances of cruelty such as were extended to those being bereft of reason, nor the prison walls of Galtz nor Magdeburgh or Chillon tell of deeper physical suffering than the insane experienced; and we have but to refer to the commissions which have been read upon this very trial to show, that a few years since, in one of the States of this Union, distinguished for the refinement and intelligence of its people, a delicate, unmarried female, who was insane, had a cage prepared for her as for a wild animal at a show! But, thanks to the cause of philanthropy and science, in 1792, Pinel, that benefactor and philosopher, in charge of an insane Asylum in Paris, triumphed over ignorance and bigotry and brutal violence, and struck off the manacles from the swollen limbs of its inmates, and restored them to light and life, and treated them like human beings. From that moment science and humanity have contributed to meliorate their condition; but there is reason to believe that there are great and interesting truths yet unadmitted and unascertained in the mysterious operations of the mind.

It has been often asserted, and oftener repeated, that the plea of insanity is used as a shield for crime, and is interposed as a matter of course, when there is no other defence. This has become a common saying and a common jest with prejudice and ignorance, and those who have no better answer to a serious fact. It will do well for an argument at the corner of the

streets, or to season a newspaper paragraph as a substitute for truth; but so far as this region of country is concerned, I brand upon the assertion the stamp of falsehood, and challenge the proof. It may have been abused in Europe and in our populous cities, where the felons of both the Old World and the New concentrate: but I defy the counsel opposed to show that it has ever fallen under suspicion, even, in the great agricultural territory of southwestern New York. Where has the plea been improperly interposed, and by whom and upon what occasion? Has it ever fallen under your observation? I aver that after many years at the bar and a somewhat extensive circuit practice, I have never seen a trial where insanity was the defence except in a single instance, and in that the result showed that it was well interposed. Upon this subject, Chief Justice Parker, of New Hampshire, in a charge to the Grand Jury said, a few years since: "The public presses, in giving reports of trials, often say, 'the defence was, as usual, insanity,' or make use of some other expression, indicating that this species of defence is resorted to in desperate cases, for the purpose of aiding in the escape of criminals from justice. Such opinions are propagated in many instances by those whose feelings are too much enlisted, or whose ignorance respecting the subject is too great to permit them to form a dispassionate and intelligent judgment; and they have a very pernicious tendency, inasmuch as they excite prejudices in the public mind, and the unfortunate individual, who is really entitled to the benefit of such a defence, is thereby sometimes deprived of a fair and impartial trial. Again, how irreverent and almost impious the taking of life under such circumstances! Whom God hath visited, him man undertakes to judge and afflict with punishment! As if human reason were deputed to revise the course of Divine Providence!"

Justice Edmonds, in the case of Kleim, tried for murder in 1846, in his charge to the Jury said, that although the plea of insanity was sometimes assumed as a cloak for crime, yet "*it was unfortunately equally true that many more persons were unjustly convicted and condemned to suffer the punishment for crime, to whom their unquestioned insanity ought to have been an unfailing protection.*"

The lamented Dr. Brigham, in the 18th Annual Report of the Hartford Retreat, says: "I do not know of a single in-

stance, where the insanity of an individual has been certified by those well informed and well qualified by experience with the insane to judge on such a subject, that time and public opinion has decided to be incorrect. While I know many instances where the plea has been disregarded, which time has shown ought not to have been."

Dr. Bell, Superintendent of the McLean Asylum, near Boston, says, "*that for one real criminal acquitted on the score of insanity, there have been a dozen maniacs executed.*"

Dr. Woodward, Superintendent of the Insane Hospital at Worcester, Massachusetts, says, in his annual Report for 1843 : "It may be a consolation and an encouragement to jurors, in faithfully following out their own sincere convictions of the *law* and evidence in such cases, to know, that in a pretty diligent inquiry as to the event in every case of homicide in New England, where the accused has had the defence of insanity *set up* for him, and been acquitted on that ground, *it has been found that not an instance has occurred where the progress of time has not abundantly verified the soundness of the defence*—a fact which ought forever to silence the thoughtless, but perhaps not inconsequential intimations always presented in such cases, that insanity is *set up*, as the last resort of a desperate defence."

My worthy associate,* formerly the District Attorney of this county, gives me a case, which came under his official observation, with which some of you may be familiar. Andrew Roman, of Richford, in this county, was charged with an offence, was defended unsuccessfully on the ground of insanity, and was convicted and sent to the State prison. He was pardoned by the Governor, and, proving to be insane, as he doubtless was when convicted, was sent to the State Lunatic Asylum by the order of Judge Avery, now upon the bench. These accumulated evidences must satisfy all reasoning minds that such a defence should be listened to with respect, and investigated with caution, and the evidence heard and weighed like other evidence, which is all we desire or claim. As for that brutal and fiendish spirit which we have heard at the street-crossings, belching forth its profane gasconades, that no one should believe the prisoner insane if proved so, we have merely to say, "Go vent

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* MR. TAYLOR.

1. "That it is the *reason of man* which makes him accountable for his actions, and that the deprivation of reason acquits him of crime.

2. "That it is unnecessary that reason should be entirely subverted, or driven from her seat, but that it is sufficient if *distraction sits down upon it along with her, holds her trembling hand upon her, and frightens her from her propriety.*"

And this was doubtless the case with the prisoner.

Let us for a moment proceed to inquire what is insanity ; and here, too, I assure you I shall spend no time in confusing this question by placing this case under any particular head, or in likening it to any class, except that of *insanity*. All else is immaterial except so far as it goes to prove that he was insane. Spurzheim, a celebrated writer upon the subject, defines insanity to be "either a morbid condition of any intellectual faculty, without the person's being aware of this, *or the existence of some of the natural propensities in such violence that it is impossible not to yield to them.*"

Says Dr. Ray, page 129 :

"Insanity observes the same pathological laws as other diseases. Notwithstanding the air of mystery which ignorance and superstition have thrown around this disease, it cannot be said to present anything very strange or peculiar ; nor are the discussions concerning it involved in the obscurity which is generally imagined. It arises from a morbid affection of organic matter, and is just as much, and no more, an event of special providence, as other diseases : and to attribute it to the visitation of God in a peculiar sense, is a questionable proof of true piety as well as sound philosophy. It follows the same course of incubation, development, and termination in cure or death, as other diseases : sometimes lying dormant for months or even years, obscure to others, and perhaps unsuspected by the patient himself ; at others, suddenly breaking out with little premonition of its approach ; and again, after being repeatedly warded off by precaution and remedies, finally establishing itself in its clearest forms ; just as consumption, for instance, sometimes begins its ravages so slowly and insidiously as to be perceptible only to the most practised observer, for years together, while in another class of patients, it proceeds from the beginning with a progress as rapid as it is painfully manifest. But its presence no one thinks of denying in the former case, merely because its victim enjoys a certain degree of health and activity, though it would be no greater error than to deny the existence of insanity while the operations of the

mind are not so deeply disturbed as to be perceptible to the casual observer.

Dr. Guy, in his valuable treatise on the principles of "Forensic Medicine," page 318, gives this vivid and startling description :

"It is probably beyond the power of the sane mind to conceive the confusion which reigns in the mind of the madman. A series of delusions, the offspring of some excited passion or emotion, or some single delusion, the work of fancy, the interpreter of every sensation, the source of every thought, the mainspring of every action ; holding every faculty in stern subjection, making the senses its dupes, the reason its advocate, the fancy its sport, and the mind its slave ; now whispering in the ear things unspoken, now painting on the eye things unseen ; changing human beings at will into fiends or angels ; converting every sensation into a vision, every sound into articulate speech ; the unreal world within in constant conflict with the real world without ; understood of no one, yet believing himself comprehended by all, punished for the very actions which he supposes his tyrants to have commanded ; controlled in everything which he thinks it his duty to perform. There is no wish however presumptuous, no fancy however monstrous, no action however absurd, no crime however heinous, that his delusion cannot create, prompt, and justify. That a sane man might form a conception, however faint, of the distraction of such a state as this, it would be necessary to combine into one whole the strange confusion of a dream, and the sleeper's entire belief in its reality, the various impressions and changing scenes of his waking hours, and the conduct, to him wholly unintelligible, of those about him.

Doctor Ray, the celebrated author before cited, in his annual Report to the Legislature of Maine, in which State he then had charge of an Insane Asylum, gives the following brief and sensible criterion by which to judge of the state of a patient's mind ;—whether there can be noticed in the party supposed to be insane "*a departure from his ordinary character and habits, without any adequate motives.*" Fourth Ann. Report, page 33.

I have already stated that we should not attempt to place this case of insanity under any particular subdivision of the disease, but rest the defence upon the clear and uncontradicted evidence that he was insane. The following, from Prichard, an English author of celebrity and a physician of great learning and experience, however, *describes this very case* with painful accu-

racy. See Prichard on Insanity, page 87. Under the head of *Instinctive Madness*, the author says :

"In this disorder, the will is occasionally under the influence of an impulse, which suddenly drives the person affected to the perpetration of acts of the most revolting kind, to the commission of which he has no motive. The impulse is accompanied by consciousness ; but it is in some instances irresistible ; some individuals who have felt the approach of this disorder have been known to take precautions against themselves ; they have warned, for example, their neighbors and relatives to escape from within their reach till the paroxysm should have subsided."

"There is scarcely an act in the catalogue of human crimes which has not been imitated, if we may so speak, by this disease. Homicides, infanticides, suicides of the most fearful description, have been committed under its influence ; there is reason to believe that more of those appalling instances in which men are reported to have murdered their wives and children, and sometimes to have destroyed themselves at the same time, are of this kind."

Dr. Taylor, also a distinguished English writer, says of that form of the disease known as homicidal monomania, that "it is commonly defined to be a state of partial insanity, accompanied by an impulse to the commission of murder ; but most suicidal jurists admit that individuals, who may not appear to labor under any *intellectual* aberration, are liable to be seized with a sudden destructive impulse, under which they will destroy those to whom they are most fondly attached, or any person who may at the time happen to be involved in the subject of their delusion. Sometimes the impulse is long felt, but concealed and restrained. *There may be merely signs of melancholy and depression about the individual ;* nothing, however, to lead to a suspicion of the fearful contention which may be going on within his mind. Occasionally the murder may be perpetrated with great deliberation, and under all the marks of sanity. These cases are rendered difficult by the fact that there may be no clear proof of the existence, past or present, of any disorder of the mind ; so that it would appear the chief evidence of the existence of insanity is the act itself. Of the existence of the malady before and after the perpetration of the crime there may be either no evidence whatever, or it may be so slight as scarcely to amount to proof."

Dr. Guy, in describing homicidal impulse, page 315, says :

"The most distinguished authors, both at home and abroad, have recognized this form of mental unsoundness as having an existence independent of delusion. The cases on record are so numerous that the only difficulty is that of selection. The following is a remarkable one. William Brown was executed at Manchester, in 1812, for strangling a child whom he accidentally met one morning while walking in the country. On the trial he said he had never seen the child, had no malice against it, and could assign no motive for the dreadful act. He took up the body and laid it on some steps, and went and told what he had done, requesting to be taken into custody. He bore an exemplary character, and had never been suspected of being insane. Of his execution, I add, in the language of Lord Brougham upon another occasion, that it was to the eternal disgrace of the court who tried him."

The Annual Report of the Hartford Retreat for the Insane for 1842 gives the following case, to which I beg leave to call especial attention :

"A lady, the mother of three children, suddenly killed one of them by repeated wounds with a hatchet. She had not been considered insane previously, though she had for some time been somewhat unwell and low-spirited. Soon after the act she endeavored to kill herself, and was brought to the Retreat a decided and wretched maniac. For several weeks she remained without much change, rather stupid, as if having no recollection of the past. After this her bodily health began to improve, when suddenly her memory of what she had done seemed to return, and the agony she was then in for a few hours, until her feelings were overcome by opium, was indescribable and most painful to witness. She, however, recovered, and has now been well for nearly a year. She has often assured me since, that *she could recollect no motive whatever that induced her to commit the act, and does not believe that she thought of it until she saw the hatchet.* Had this amiable lady and affectionate mother killed a neighbor or domestic, I fear there would have been difficulty in convincing a jury that the act was the consequence of insanity."

"Dr. Bell, the accomplished physician of the McLean Asylum, Massachusetts, observes (see Ray, page 176), that he knew a pious, intelligent student, pursuing his daily avocations to the satisfaction of his friends and instructors, who nightly slept with a weapon under his pillow to protect himself from an attack from one whom he had scarcely seen, and to whom he had never spoken; and when convinced of his delusion by proofs so overpowering that his mind was obliged to ac-

knowledge its assent, he merely transferred his suspicions to another equally innocent individual." Had this young man met the object of his suspicions and shot him dead, how few could have been brought to believe that he acted under the influence of insanity, and was consequently irresponsible! How feeble would have been any evidence of his insanity but such as had reference expressly to the particular form under which he was laboring! Such a case as this should make a strong impression on the mind of the medical jurist. When an act of violence is committed by a young subject, without any apparent motive, and without any obvious signs of insanity, it should always be ascertained, if possible, whether he has been addicted to masturbation, and whether he has shown any of the changes of temper and habit which generally accompany the incipient stage of this form of mental derangement. If it appear that he has practised this vice, and especially if he have also manifested its usual moral effects, then is there strong ground for believing that his mind was possessed by a delusion which further inquiry may bring to light. This form of disease is not perhaps sufficiently understood to warrant us in furnishing an exact detail of its phenomena. Reference must be had to the opinions of those who have had opportunities of observing it, and to the valuable contributions that have been made to the subject."

Dr. Beck, of this State, the celebrated author of one of the earliest and most authentic works upon Medical Jurisprudence, in speaking of that form of the disease called *Monomania* (see vol. 1, new edition, page 713), says :

"Some patients, when suffering under this form, are excessively irascible, and even without any apparent cause are suddenly hurried into a violent passion or fury. It is while laboring under this that they become dangerous to themselves or those around them. They will seize any weapon and strike and injure others or themselves. Sometimes consciousness of their situation is so far present as to allow them to warn individuals of their danger, or to entreat them to prevent their doing injury. An internal sensation is perceived—as a burning heat with pulsation within the skull—previous to this excitement. This description of lunatics eat much, but sometimes they endure hunger with great obstinacy; they have frequent pain in the bowels, and costiveness is common."

The following marked cases, which have been the subject of judicial investigation, in their leading features exhibit many of the same traits as this, and prove that impulsive or parox-

ysmal insanity may and does exist, though unperceived and unsuspected, even by those most intimately associated with them.

Agustino Rabello (see Jour. Ins., vol. 3, No. 1, page 41) was tried in Litchfield, Connecticut, in 1835, for the murder of Ferris Beardslee. Rabello was a foreigner and a journeyman shoemaker, in the employment of the father of the deceased, who was a young boy. This boy, in passing by Rabello one evening, accidentally trod upon his toes. The next day the boy was passing from the house to the barn with an axe, when Rabello met him, and, taking the axe from him, without saying a word, split open his head, killing him on the spot. When questioned concerning the act he said the boy trod on his toes, and God would forgive him. He was proved to have been insane by competent medical men, Dr. Fuller, of Hartford Retreat, among others, testifying that "It is well settled that one faculty of the mind may be deranged while the rest are sound," and Dr. Brigham testifying that "such insane people are often dejected and melancholy, and carry in their countenances an appearance of sadness and gloom, take but little interest in things that interest others, and yet will exhibit no derangement of the intellect; but on some slight provocation or an imagined one, will become violently passionate and resort to the most cruel and awful method of revenge, and show a total want of self-control;" and although many were found to testify in that case as in this, including some respectable physicians, *that they had never discovered any aberration of mind*, he was acquitted by an intelligent jury on the ground of his insanity. He was kept in confinement, and became a raving maniac.

Abner Rogers, Jr., a convict in the State Prison of Massachusetts, was tried in 1848 for killing Mr. Lincoln, a warden of the prison, Chief-Justice Shaw presiding. He was a poor degraded convict without friends; but a pious and humane clergyman of the neighborhood seeing him, and believing him insane, induced Dr. Bell to visit him for the purpose of determining his state of mind. He was by those learned men pronounced to be insane, for which opinion they were visited with a torrent of obloquy and ridicule. And here again were the requisite number of witnesses who "had not noticed any

aberration of mind," and even the physician of the prison, Dr. Walker, a gentleman of learning and experience, testified *that the prisoner was of perfectly sound mind, and that his insanity was all a pretence, for which he had subjected him to punishment.* The poor wretch was, however, after two trials, the jury disagreeing on the first, acquitted *by reason of insanity.* He also became a raving maniac, and died by his own hand in the asylum. (See his trial published at Boston in 1844.)

John C. Griffin was tried at Norwich, Chenango county, in 1845, before Mr. Justice Edmonds, for the murder of Erastus Coit. (See Jour. of Ins., vol. 3, No. 3, page 227.) In this case I had the honor of being associated with the District Attorney for the prosecution. Coit had seduced Griffin's wife from her home, and was living with her. The friends of the wife, including her husband, Griffin, met at Coit's, for the purpose of inducing her to leave Coit and go to her friends. Griffin upon that occasion had a pistol in the pocket of his linen pantaloons, and while watching alone out of doors it was discharged by accident, and slightly wounded Griffin's leg and set his pantaloons on fire. Coit and others in the house, hearing the report, came out, and Griffin caught up a whiffletree and killed Coit at a single blow. The defence was insanity, and slight it was too; scarcely beyond showing an absent-mindedness and depression of spirits which a man would be likely to exhibit under such a domestic reverse; and others testified that *they had never noticed anything of the kind.* Dr. Brigham, however, testified on the trial that he believed him insane, and said amongst other things:

"Another circumstance, which in my view is some *evidence of insanity, is the rapidity with which the deed was done.* I have often observed that an insane person, in a paroxysm of excitement, is quicker in his motions than a sane one—it being almost impossible to avoid the stroke of an insane man. His appearance after the deed was such as I should expect from an insane person. After an outbreak or paroxysm they usually become calm. The appearance of the prisoner as it has been described, and at present is, is in my judgment evidence of insanity."

This cause was submitted to the jury without argument, who, under the direction of the court, without leaving their

seats, returned a verdict of not guilty by reason of insanity. Griffin was sent to the asylum at Utica, where, as I was afterwards informed, he was madly insane, though he finally recovered either wholly or partially. Those who will remember that the blow given by Thurston was *so sudden that no one saw or could see it*, will find in the evidence of Dr. Brigham in this case most marked proof of insanity.

Henrietta Cornier (see Ray, page 214), a French servant-girl in Paris, was tried for the murder of a child in about 1825. She was sent to a shop by her mistress for some cheese, where she had been often, and had become much attached to the child of the woman who kept the shop, nineteen months old. On this occasion she begged permission to take this child home with her, which being granted, she took the child to her room, and, laying it upon her bed, severed its head from its body with a large knife. When the mother called for the child, she coolly informed her that it was dead, and that she intended to kill it, though she could give no reason for it. She made no attempt to escape, but confessed all the circumstances, even her design to kill it. She was, after repeated trials before their board for the determination of the state of the prisoner's mind in such cases, pronounced insane, and disposed of accordingly.

Andrew Kliem was tried in the city of New York, in 1845, for the murder of Catharine Hamlin, before Mr. Justice Edmonds. (Jour. of Ins., vol. 2, No. 3, page 245.) The defence was insanity, and the evidence much slighter than in the case now upon trial. Dr. Earle (then resident physician of the Bloomingdale Asylum, now in charge of Dr. Nichols, who has just testified before you), however, proved him insane, though there were many *who had not noticed anything of the kind*, and regarded him as a man of evil and *ungovernable passions*. He was acquitted by reason of insanity, and sent to the asylum, where he sunk into dementia. The reason he gave for the killing, when questioned concerning it, is worthy of particular recollection. The witness says, "I said he had done very wrong. I think he said, 'I couldn't help it.'" This, it will be remembered, was the expression of Thurston, when asked why he had killed Garrison.

William Freeman, a poor friendless negro, was tried at Auburn, in 1846 (see volume containing trial), for the murder of

the Van Est family. This negro had been confined in the State prison at Auburn for horse-stealing, and some of this family had been witnesses against him, and, as he alleged, had pursued him unjustly. On being discharged from prison he prepared suitable weapons, and, while they were sleeping, put the whole family to death, stole a horse and fled with great precipitation. He was arrested and tried for this most awful murder, and defended by Governor Seward on the ground of insanity. The defence was received with incredulity and ridicule, and though pretty clearly proved, was overturned by many who had *noticed nothing of the kind*, and by learned medical professors who had travelled in Europe, and had pronounced him perfectly sane. He was convicted, but a new trial was granted him by the Supreme Court. Before that took place, however, he had been summoned to a tribunal where there are no errors to be corrected, and from whose judgment there is no appeal. A post-mortem examination showed the brain of the poor wretch—the organ of mind, the seat of intellect—to be a *lifeless sponge*.

(Mr. Dickinson read and commented upon numerous other cases illustrative of the principles for which he contended, and proceeded.)

The great question in this case is, not whether Garrison fell by the hand of Thurston, for that is conceded, but it is whether Thurston is guilty of crime, or in other words, whether he is criminally responsible. Death is the common lot of man. Garrison has passed beyond the reach of human action. We cannot restore him to society, nor will a verdict of guilty "back to its mansion call the fleeting breath." In the language of Justice Edmonds, "you must bear in mind that the object of punishment is not vengeance, but reformation, and nothing is so likely to destroy the public confidence in the administration of criminal justice, as the infliction of its pains upon one whom Heaven has already inflicted with the awful malady of insanity." Because there has been an act of violence, it by no means follows that there has been a crime. The former definition of murder was the killing with *malice aforethought*. The modern one is killing with *premeditation*.

The crimes of *murder* and *manslaughter* are thus defined by Sir Edward Coke:

"When a person of sound memory and discretion unlawfully killeth any reasonable creature in being, and under the king's peace, with malice aforethought, either express or implied." (4 Bl. Com., 196).

"*Manslaughter* is the unlawful killing of another without malice either express or implied, which may be voluntarily upon a sudden heat; or involuntarily, but in the commission of some unlawful act." (4 Bl. Com., 191.)

The prosecution in their opening have more than hinted that the defence might show this killing to have been manslaughter. We submit that it was clearly shown by the evidence for the people that the act was without motive or provocation—without premeditation. It therefore requires no defence to prove it manslaughter only, and that this is all the prosecution can claim for it. To prove *premeditation* they must make him blacker than any demon who ever ranged the infernal regions, or more of a madman than ever was heard or read of, from the raving maniac to the demented and slaving cretin; and the most arrant and stupid fool that ever was clothed with humanity. But we by no means rest our defence upon this. Our defence strikes at the whole, and we contend that no crime whatever has been committed, because of the prisoner's insanity. Let no one imagine that we are to place our defence upon the ground that the act was manslaughter; our defence is, I repeat it, that he is guilty of nothing except that his mind is clouded over with night and darkness, and unilluminated with the guiding star of reason.

We have already seen that, upon both principle and authority, there can be no crime without a free and hearty exercise of the will. Says Dr. Ray, page 253 :

"Liberty of will and of action is absolutely essential to criminal responsibility. Culpability supposes not only a clear perception of the consequences of criminal acts, but the liberty, unembarrassed by disease of the active powers which nature has given us, of pursuing that course which is the result of the free choice of the intellectual faculties. It is one of those wise provisions in the arrangement of things, that the power of perceiving the good and the evil, is never unassociated with that of obtaining the one and avoiding the other. When, therefore, disease has brought upon an individual the very opposite condition, enlightened jurisprudence will hold out to him its protection, instead of crushing him as a sacrifice to violated justice. That the subject of homicidal insanity is

not a free agent, in the proper sense of the term, is a truth that must not be obscured by theoretical notions of the nature of insanity, nor by apprehensions of injurious consequences from its admission."

Dr. Taylor gives the following brief and practical test for a jury to apply in cases of this kind, namely, "*whether the individual, at the time of the commission of the act, had or had not a sufficient power of control to govern his actions.*" (Taylor, 650.)

In the days of Lord Hale, that distinguished jurist held that to excuse an act by reason of insanity, there must be no reason left, and the best commentary to be furnished upon this absurd opinion, and the age which produced it, is, that the same learned judge gravely presided at the trial of a person for *witchcraft*, and proceeded to conviction and sentence. The law of Great Britain, though still behind the spirit of the age in theory, in practice comes up to it, as the following cases show :

In the case of McNaughton, who killed the Private Secretary of Sir Robert Peel, believing him to be the Premier, Chief-Justice Tindal virtually stopped the prosecution because he was proved to have been insane. In the case of Oxford, who was tried for shooting at Queen Victoria, Lord Denman, who presided, instructed the jury to acquit the prisoner, "*if at the time some controlling disease was in truth the acting power within him,*" and he was acquitted. Lord Kenyon, in Hadfield's case, held the following language in his charge to the jury: "Insanity must be made out to the satisfaction of a moral man, meeting the case with a fortitude of mind, and knowing the anxious duty he has to discharge; yet, *if the scales hang tremulously, throw in a certain proportion of mercy in favor of the prisoner.*" This was the language of an English judge in behalf of one who was upon trial for attempting the life of his sovereign, and I would recommend its benign spirit to American courts and juries. In our own country the rule is thus laid down.

Justice Edmonds, in Kliem's case, instructed the jury that "if some controlling disease was in truth the acting power within him, which he could not resist, or if he had not sufficient use of his reason to control the passions which prompted the act complained of, he is not responsible."

Chief-Justice Shaw charged the jury in the case of Rogers,

that "in order to constitute a crime, a man must have intelligence and capacity enough to have a criminal intent and purpose, and if his reason and mental powers are either so deficient that he has no will, no conscience or controlling mental power, *or if through the overwhelming power of mental disease, his intellectual power is for the time obliterated, he is not a responsible moral agent, and is not punishable for the criminal act.*"

The person who commits an act, however bloody or abhorrent, is no more punishable criminally, unless his will is under his control, than is the insensible steam-engine which passes over the sleeping or incautious traveller.

But the learned counsel for the prosecution have already inquired with great significance, if such defences are to succeed, how public justice is to be administered, and how we are to discriminate between the acts of the deliberate murderer, and the paroxysms of the insane. I answer that the problem is to be solved in this as in every other matter which comes before courts for adjudication, from the responsible questions involving life and death, to the most trivial and petty affairs of neighborhood litigation—UPON EVIDENCE. There is no more embarrassment in this case than in every other, where motives are to be spelled out and ascertained from actions, and where great results depend upon obscure and minute causes. If, however, the learned counsel shall, in defiance of the very genius of our law, still believe that all who kill should be executed, because courts and juries perchance may be unable to discriminate between *criminal* motives and *insane* impulses, I will call their attention for a moment to a very plain rule by which these acts may be readily distinguished, the one from the other. I read from Ray, page 225 :

"In homicidal insanity, the act is committed without any motive whatever strictly deserving the name; or, at most, with one totally inadequate to produce the act in a sane mind. On the contrary, murder is never criminally committed without some motive adequate to the purpose in the mind that is actuated by it, and with an obvious reference to the ill-fated victim. Thus, the motive may be theft, or the advancement of any personal interest, in which case it will be found that the victim had or was supposed to have property, or was an obstacle to the designs or expectations of another. Or it may be revenge, and then the injury, real or imaginary, will be found to have

been received by the murderer from the object of his wrath. In short, with the criminal, murder is always a means for accomplishing some selfish object, and is frequently accompanied by some other crime ; whereas, with the homicidal monomaniac, murder is the only object in view, and is never accompanied by any other improper act. The homicidal monomaniac, after gratifying his bloody desires, testifies neither remorse nor repentance, nor satisfaction, and, if judicially condemned, perhaps acknowledges the justice of the sentence. The criminal either denies or confesses his guilt ; if the latter, he either humbly sues for mercy, or glories in his crime, and leaves the world cursing his judges, and with his last breath exclaiming against the injustice of his fate. The criminal never sheds more blood than is necessary for the attainment of his object ; the homicidal monomaniac often sacrifices all within his reach to the cravings of his murderous propensity. The criminal lays plans for the execution of his designs ; time, place, and weapons are all suited to his purpose, and, when successful, he either flies from the scene of his enormities, or makes every effort to avoid discovery. The homicidal monomaniac, on the contrary, for the most part, consults none of the usual conveniences of crime ; he falls upon the object of his fury, oftentimes without the most proper means for accomplishing his purpose, and perhaps in the presence of a multitude, as if expressly to court observation, and then voluntarily surrenders himself to the constituted authorities. When, as is sometimes the case, he does prepare the means, and calmly and deliberately executes his project, his subsequent conduct is still the same as in the former instance. The criminal often has accomplices, and generally vicious associates ; the homicidal monomaniac has neither. The acts of homicidal insanity are generally, perhaps always, preceded by some striking peculiarities in the conduct or character of the individual, strongly contrasting with his natural manifestations, while those of the criminal are in correspondence with the tenor of his past history or character. In homicidal insanity, a man murders his wife, children, or others, to whom he is tenderly attached ; this the criminal never does, unless to gratify some evil passion, or gain some other selfish end, too obvious to be overlooked on the slightest investigation."

Was, then, this killing the *act of a sane mind*? There was an utter absence of all motive or suspicion of motive, and the counsel who opened the cause for the prosecution, after being conversant with all the facts which had been proved before the Coroner, and were to be shown here, except the details of the evidence proving him insane, declared that the prosecution after careful examination had been unable to find any motive

for the conduct of the prisoner. In this we fully concur ; and here, you will perceive, is established, upon the deliberate admission of the counsel for the prosecution, one great fact in the elements of the defence ; that is, that the act was committed *without motive* ! These parties were friends near and dear, and their chain of friendship had long been bright and spotless. Their fidelity to each other was as pure and sincere as that of David and Jonathan. They were the Damon and Pythias of modern times, for each would gladly have died for his friend. If it is said there was a difficulty between Garrison and wife which was a cause for hostility, let it be remembered that this had been of long existence, and that it is proved by Prentice Ransom that Thurston knew and spoke of this unhappiness between them five years since, and yet no witness has been found that can prove that Thurston ever spoke of Garrison in any other terms than those of unusual kindness and the warmest friendship.

In an elaborate and careful review of the evidence, I am justified in declaring that nothing can be found which would incite passion or feeling, much less induce the commission of murder. The crying of the child was the only moving cause established, and I challenge the annals of criminal jurisprudence to show that so serious an act has ever been committed upon so slight a provocation by a *sane mind*. Idle rumors and gratuitous published statements have been thrown broad-cast upon the public mind to the effect that Thurston had decoyed Garrison to his house or arranged with him to come in the evening, and that, Garrison not coming, Thurston became restless and uneasy and went after him ; that when they returned, he seated Garrison near the outer door with his back to it, in an unguarded situation, more than insinuating that he thus seated him the more surely to secure his victim ; whereas the evidence showed that when Garrison did not come, as was expected, Thurston advised his sister to retire for the night and dismiss the subject until morning ; that when Garrison came he took a chair himself, moved it a considerable distance, and placed it where he sat when he received the fatal blow. Besides, the whole conduct and temper of Thurston that day and afternoon and evening were inconsistent with any intention to do injury to Garrison. From the far-fetched evidence and

ominous givings-out of counsel, it would not be surprising if it should be insisted that Thurston had placed the axe of the neighbor near the back door on purpose to kill his friend with, and if so, under the circumstances, it will furnish a memorable instance of the absurd lengths to which respectable counsel can be driven, when urged on to make out the feature of a case which has no existence, except in the distempered imagination of individuals. If Thurston really meditated the commission of murder, that he should have *decoyed* Garrison from the furnace and machine-shop, where they had spent the afternoon alone, among tools and implements of iron, well fitted for the destruction of human life—that he should have *decoyed* him from his house, where he was alone that evening, into the most public part of the village instead of some unfrequented yard or dark alley, or secluded river bank—that he should have *decoyed* him into his own house, instead of his shop at the next door, where there were implements in abundance, that he might slay him with that particular axe belonging to his neighbor, sacrificing him upon his own family altar, in the presence of numerous witnesses, some of whom were there by invitation, polluting his hearth-stone with human gore and bespattering his wife, his mother and his sister with the blood of his friend, seems preposterous. Any rational mind, in considering this case, must pronounce the conduct of the accused strong evidence of insanity;—no one can for a moment believe so monstrous a proposition as that this was a deliberately planned and executed murder. But if there be such an one, he should at an early moment be permitted to exchange situations with some tenant of the madhouse. There was no intent, no revenge, no passion, nor anything to provoke passion; nothing to move the sane mind, but enough in the crying of a child to ignite the smouldering materials in the brain of a man on the verge of insane impulse. An act more motiveless could not be found, even when performed by an inanimate machine, propelled by a power of which it is unconscious.

Allow me, before I close, to call your especial attention to the evidence upon the subject of the prisoner's insanity, commencing with the proof of hereditary insanity in the families of both his parents; his peculiarly nervous temperament; the vicious and solitary practice which he had pursued for

years; the authors from which I have read; the testimony of the medical witnesses, in support of the positions I have taken; the state of his health; his irregular habits of sleep, food and inattention to dress and business, as detailed by the witnesses; his strange manner of walking alone, standing motionless with a vacant gaze for hours; the wild glare of his eye, the deep agony in his head, the regularity of these fits of depression, increasing in intensity and severity for years, and one being upon him a day or two previous to the act, all of which go to establish the incubation of insanity. I also point you to the calm and quiet frame of mind and statue-like posture after the dreadful deed—glaring on vacancy as though looking off a precipice: all this forms a mass of evidence as impregnable as Gibraltar.

The testimony given by the mother and sisters of Thurston, for candor, intelligence, and propriety under such trying circumstances, is without a parallel in the history of courts of justice. The purity and affection which has characterized the domestic history of this family, as developed on the trial, presents a bright and beautiful oasis in the desert journey of life. So far from having been contradicted in a single fact or particular, their testimony is sustained and fortified by every circumstance which has been brought to light, and corroborated by every other witness called, who knows anything upon the subject, from the cultivated and experienced superintendent of the Insane Asylum, to the simple-minded but honest and truthful colored washwoman.

In considering and giving force to the medical testimony, it will be well to remember that while no one symptom proves insanity or the certain termination in insane paroxysm, yet all taken together indicate too clearly to be mistaken the fatal result which has been produced, and show that the present condition of the prisoner is perfectly consistent with his previous habits of life. The witnesses called by the prosecution to prove that he has had no peculiarity of habit, noticed with alarm his strange conduct; his wild, vacant glare and incoherent conversation, and some of them said to their friends at the time that they thought him crazy. In the family this has long been known, and formed a subject of deep concern in their domestic circle. But he was a young man in whom they had

much hope, and like other families they did not publish his weaknesses to the world, nor that hereditary insanity was in their blood, for it is at all times painful for a family to

“Draw their frailties from their drear abode.”

When we go among strangers we find only here and there one who knew the diseases with which he was afflicted, and those from casual observation only, when happening to meet him during one of his fits of depression ; but then, as witnesses approached him more nearly, and were associated with him more intimately, as boarder, lodger in the shop, or otherwise, so as to learn his private habits, they know more of the same peculiarities of history and conduct, as proved by the family. Doctors Benedict, Butler, and Nichols need no eulogy. Their large experience, learning, and intelligence give them superior qualifications in such an inquiry, and their philanthropic pursuit places them among the benefactors of mankind. All learning, history, and experience teach us that their evidence is entitled to the fullest confidence. Let us, as an illustration, suppose an inquiry whether a watch is in good condition for a time-keeper. If four or five witnesses, whose lives have been devoted to the study of its delicate and intricate machinery, prove that it is out of repair, and unfit for a time-keeper, no rational man would think of contradicting them by calling twenty who could testify that they had casually seen it, and saw nothing but that it was as good as other watches in general. While all would acknowledge the absurdity of this course, in a matter of machinery made by human hands, the prosecution have gravely called some twenty casual observers to contradict the best science and experience in the land touching the condition of the noble yet delicate and mysterious framework of a being that is fearfully and wonderfully made.

We should not forget that, whatever the verdict may be, the prisoner must, for the present, return to his solitary cell. He has been the most indifferent man in court during his trial, and with like indifference would the verdict fall upon his leaden ear. He is already lost to his friends, unless it should please Heaven to restore his health and reason. But, though he would be sent to an insane asylum if acquitted, he would not

go down to his grave with a dishonored name, nor leave nought but a felon's inheritance to console his mourning friends. He is but a remnant of what was once John Metcalf Thurston, and could only be looked upon by those who hold him near and dear as survivors are wont to gaze upon some cherished memorial of the loved and lost.

Nothing is more atrocious than a capital conviction, in a moment of prejudice or passion, upon insufficient proof. It is judicial murder, and more wicked than any act perpetrated during or since the sanguinary reign of bloody Mary. We stand here no mendicants for mercy, but to urge and demand, in the name of law and justice, the acquittal of the prisoner, according to evidence. We concede that, if the evidence convicts him, he must stand convicted; but all the proof of his insanity, by every author which has been cited, by all the medical witnesses who profess to know anything upon the subject, is clear and conclusive; and such testimony stands out uncontradicted, except by an apology for proof, far-fetched and trivial, and entirely negative in its character. Before the prisoner can be convicted, all this evidence must be disregarded, and the jury act upon their own preconceived prejudices, or the assumptions of the counsel for the prosecution.

In conclusion I make a final appeal to you to consider the responsibilities which rest upon you; to remember you are sworn to decide according to evidence; to shut out from your deliberations the prejudice and passion which notoriously surround you; to bear in mind the spirit of the law, which gives the benefits of all doubts to the accused, and to render such a verdict as you can justify before that tribunal to which we are all hastening.

ADDRESS

DELIVERED BEFORE THE GRADUATING CLASS OF THE LAW DEPARTMENT OF HAMILTON COLLEGE, AT CLINTON, N. Y.,
July 21, 1858.

[CORRESPONDENCE.

CLINTON, N. Y., July 22, 1858.

HON. DANIEL S. DICKINSON :

DEAR SIR—The undersigned, Committee, in obedience to the earnest wishes of the Graduating Law Class of Hamilton College, request of you a copy of your eloquent and instructive Address before our body, for publication.

Very respectfully,

W. B. RUGGLES,

A. S. SEYMOUR,

WM. G. ROBINSON,

Committee.

TREASURER'S OFFICE, HAMILTON COLLEGE,

CLINTON, N. Y., August 3, 1858.

HON. DANIEL S. DICKINSON :

DEAR SIR—I herewith transmit to you an extract from the Minutes of our Board of Trustees ; and with the hope you will comply with the request therein contained, I remain,

Your obedient servant,

O. S. WILLIAMS, *Secretary, &c.*

At a meeting of the Board of Trustees of Hamilton College, held at Clinton, on the twenty-first day of July, 1858, the following resolution was unanimously adopted :

Resolved, That the thanks of this Board be tendered to Hon. DANIEL S. DICKINSON, for his able and interesting Address, and that he be requested to furnish a copy of the same for publication.

(A copy.)

O. S. WILLIAMS, *Secretary, &c.*

BINGHAMTON, July 31, 1858.

GENTLEMEN—Previous to the receipt of your favor of the 22d, desiring a copy of my Address, delivered before the Graduating Class of Hamilton College, for publication, I had received a like informal request from Professor Dwight in behalf of the Trustees, and have consented to comply with it. It will therefore be published accordingly.

Be pleased to accept my acknowledgments for the generous terms in which you are pleased to speak of my effort, and believe me to be

Sincerely yours,

D. S. DICKINSON.

Messrs. W. B. RUGGLES, A. S. SEYMOUR, WM. G. ROBINSON, Committee, &c.

BINGHAMTON, Aug. 6, 1858.

DEAR SIR—I am honored with yours of the 3d instant, conveying a resolution of the Board of Trustees of Hamilton College, requesting a copy of my Address recently delivered before the Graduating Law Class of that institution, for publication. The Address was prepared amidst the press of professional engagements, and in complying with a request so flattering I have only to desire that the reader will indulge accordingly.

Your obedient servant,

D. S. DICKINSON.

O. S. WILLIAMS, Secretary, &c.]

MAN is an involuntary traveller along the pathway of existence from the cradle to the grave, led by an unseen hand, and striving with the best forces of frail humanity to keep pace with the mighty mass of being, bound upon the same earnest and engrossing pilgrimage. All alike stretch forth their hands for protection and sustenance; all are cheered and encouraged by the same voiceless words, animated by the same hope, quickened by the same expectation, and allured by the same promise of present enjoyment and future success; and yet, to the imperfect vision of mortals, "their aims are various as the roads they take, in journeying through life."

It is no less interesting than instructive to contemplate the course of the countless beings who struggle for the mastery in time's great steeple-chase, not to determine who shall first reach the appointed goal, but who shall secure the greatest aggregate of happiness in the transit; each expecting "that age will

perform the promises of youth, and that the deficiencies of the present day will be supplied by the morrow."

One chains himself to the car of Avarice, and toils with skinny hand beneath its crushing wheels, an abject drudge, the slave for life to a mean, base, and absorbing passion :—half fed, half clothed, like Tantalus consuming with thirst, while waters are flowing to his lips, crawling rather than walking upon his servile mission, until all traces of integrity and manliness are lost forever, that he may degrade those of one generation within the circle of his brazen influence in accumulating, and those of another be destroyed in distributing his extortionate and ill-gotten gains.

"O cursed lust of gold !
When, for thy sake, the fool
Throws up his interest in both worlds—
First starved in this, then damned in that to come."

Another, possessing a genial and generous spirit, but scarcely less mistaken in the true philosophy of his being, elects to accumulate first and enjoy afterwards :—to write untimely wrinkles on his care-blanchèd brow, and bow his attenuated form in a slavish devotion to business, regardless of social duties or domestic affections, for one-half the period allotted to mortal existence, that he may revel in abundance for the residue, and groan under the tyrannous exactions of indolence and its corroding concomitants. One conceives artificial wants, and renders life a burden in efforts to supply them, unmindful that he will be more miserable still when hope gives place to fruition. One seeks enjoyment and consequence in the straggling notes sounded from the cracked and squeaking trumpet of spurious fame, and if perchance no other trumpeter is found, will kindly condescend himself to play the substitute. One loiters by the wayside, gazing upon the gaudy winged insects of the morning, beguiled from the path of duty by the fruits and flowers which tempt the senses, and, ere evening closes down, is overtaken by the dark and fearful storm, which gathers in the distance with awful density. One launches his frail bark upon that devious and capricious stream, which the world in a moment of invidious sarcasm christened pleasure, and floats adown its maddening and treacherous current, tossed

upon the waves of fashionable folly, and stimulating flagging volition,

“Where mincing dancers sport tight pantalettes,
And turn fools’ heads in turning pirouettes,”

until he is totally wrecked upon the shoals of dissipation, and lost forever. One, in obedience to the behests of the beneficent Being who gave him existence, looks “through nature up to nature’s God,” and essays to discharge the relations of his transitory mission with virtuous moderation, in the direction indicated by revelation and reason, for the happiness of the human family. He regards the Divine declaration that man should eat bread in the sweat of his face, as a blessing, and believes employment necessary to the enjoyment of life. One explores the arcana of science, scattering the terrified gnomes from their cavernous habitations below, and stretching aloft to read the time-tables of the celestial world. A Howard, a Fry, a Nightingale, a Dix, in imitation of Him who spake as never man spake, and who went about doing good, have carried light and hope to the cell of the lonely captive, and, in the angelic spirit of a mother’s love, been all the world to those whom all the world had forsaken. One frail son of humanity—a man and a brother, and bound with us to a common tribunal—sinks deep in crime, and his soul is blackened with the curse of sin and shame; but there are still transient gleams of Heaven’s sunshine playing around his seared and callous heart. The hoary criminal, laden with guilty chains, slumbers heavily in his cold and loathsome cell. But the muscles of his hardened face relax, and a smile rests upon his lips. Hist! the straw in his rude couch rustles: he dreams. He sports again by the banks of the stream of his childhood

“As only boyhood can.”

Birds warble their notes of melody from the old familiar shade-trees; bees hum amidst the clumps of bright and fragrant flowers; the soft, soothing wind whispers in lulling cadences;—the cool spring gushes from the hillock, and its pebbled stream dances along to the music of its own rippling; the warm life-blood circles round the heart in glad and gentle ed-

dying. There is the sainted mother, smiling with a mother's hope upon her stainless son ; there those

" Who grew in beauty, side by side,
Who filled one house with glee."

The bleak and desolate waste of a misspent life is in mercy for a moment shielded from his vision ; the pallid form of decayed manhood, bowed with age and disfigured with vicious indulgence, is cast off for the "plumage of sinless years," and he who had found no repose in his dreary wanderings is permitted, for one blissful moment, to bathe the shattered remnant of humanity in the pure fountain of domestic love. But

" A change comes o'er the spirit of his dream."

The pitying angel is withdrawn ; the cruel tide of memory rolls back upon him, and the manacled wretch, weeping with emotion, awakes to the fearful reality that it is but a dream.

" How poor, how rich, how abject, how august,
How complicate, how wonderful is man."

These and many other strange and incongruous moral elements, chequered and diversified by every form of vicissitude, trial, and conflict, demand of fellow-travellers upon the journey of life, and especially from those qualified to give counsel and instruction, the ready interchange of sympathy and communion.

Among all the occupations of life, that of the lawyer is the most laborious and responsible. It has been justly termed the noblest of professions ; but let no one enter upon it reposing on the slovenly idea of "masterly inactivity," or for the purpose of appearing upon its parade days, or holiday occasions. He must, if he would attain respectable eminence, pass through an ordeal as severe as a furnace seven times heated. He must be prepared to hold intercourse with every variety of human character, in its best as well as its most abandoned forms, and will need, to sustain him in his extremity, the wisdom, meekness and patience of the patriarchs, and the learning of an Aristotle and a Paul.

In the countless conflicts which arise from the business

transactions of everyday life ; in all that disturbs the social or domestic relations ; in matters relating to the rights of property by devise or inheritance ; in every wrong, direct or consequential, real or imaginary, serious or trivial, the parties fly to him for advice, friendly as well as professional, and invoke his assistance and consolation. He must, at times, witness the exhibition of man's worst passions—listening with becoming patience to the most tedious and frivolous relations, indulge the most unreasonable caprices, and realize how fervent should be the petition to be delivered “from envy, hatred, and malice, and all uncharitableness ;” and one of his first and last, his earliest and latest duties, too, requiring the exercise of all his wisdom and firmness, will be to refuse, with stern and unyielding resolution, to commence prosecutions upon the importunity of heated and exasperated clients, where they have no just or substantial cause.

In his practice at the bar, he should remember that there is no place where good manners and courteous demeanor appear to better advantage, or command higher estimation. If his temper is occasionally tested, as it will be, by an imperious and tyrannical judge, a vulgar opponent, or a false and obstinate witness, perfect self-possession and command will give him an incalculable advantage for the occasion, and illustrate then, as throughout his life, the inspired sentiment, that he that is slow to anger is better than the mighty, and he that ruleth his spirit, than he that taketh a city. His integrity should be uncompromising, his morals pure, his tastes refined, and his associations elevated. The influence of his example must be potent for good or for evil, and no social vice should stain his record, —no debasing practices abridge his usefulness. He should studiously observe the conventional proprieties of society, and lead the way for those whose relations are less commanding, and whose opportunities are more limited.

Within his professional sphere, he must strangle corruption, the first whisper it murmurs, before its pestilent taint is diffused throughout the atmosphere. He must trample upon fraud, extortion, and oppression, wherever found, before they swell into rankness, and generate their Pandora brood of vassal vices. He must take by the hand shrinking, trembling innocence, and lead her forth vindicated by the instinctive sympathies of law.

Where error flaunts her banner, and her Cassandras croak of evil, he must defy all augury, and wage a war of extermination with weapons drawn from the exhaustless armory of truth. He must learn to wield alternately the club of Hercules, the battle-axe of Richard, and the scimeter of Saladin, and bear in mind that the wild rage of a strong Roderick may be foiled by the steady skill of a cool, self-reliant Fitz-James. But in the battle of life the conflict with himself should be the greatest; and when that is nobly achieved, the victory is won.

There is no royal road to position at the bar; no stealthy byway through which it can be reached; no slippery and filthy step-stone by which bribery can ascend to purchase it; no hot-bed growth which will produce it; no forcing process which will prove successful. No superficial gilding will conceal shameful ignorance; no spread-eagle declamation pass current as a substitute for knowledge; no spouting and floundering on the surface deceive a discerning public. But drafts at sight upon the golden granary of learning will always command a premium, and be duly honored.

The lawyer should never bring a case into court without thorough and elaborate preparation. He must labor when courts indulge in relaxation, and study when his clients slumber. If he is deficient in elementary knowledge, or ignorant of the principles which govern his case, he is detected, the first sentence he utters, by the mature experience of the bench, the learning of the bar, the keen discernment of the jury, and the sympathetic common-sense of the tittering spectators; and he is thereafter consigned, by universal consent, to that somewhat numerous class in the profession, who are more expensive to society in proportion to their numbers than any other, without being more ornamental, and stand or sit about the courts, as *statues* at large.

A few years since, in that spirit of restlessness which is one of the incidents of a free system, a new judicial department was organized in this State, and a code of practice established by legislation. This code, as a whole, contained, in homely parlance, much that was literally good, bad, and indifferent, but did not contain, nor profess to contain, in its whole scope a single line of legal learning. It was a mere book of practice, classifying legal remedies, and prescribing the mode in which they

should be prosecuted, and was well enough as such. But its advent was hailed by gaping credulity and shallow pretension as a manifestation of legal inspiration—a sovereign panacea for all human disputations, acute or chronic. It was proclaimed as a *vade mecum*, which would render plain that which was intricate, certain that which was doubtful, clear that which was obscure, simple that which was complex, and finally place ignorance upon a par with science. It was to give to the law, by enactment, what nature, in the exuberance of her generosity, gave to surgery—*natural bone-setters*:—seventh sons by legislation as well as by birth, in law as well as in physic.

Sir William Jones prescribed for the student as follows :

“Seven hours to law,—to soothing slumber seven,
Ten to the world allot, and all to Heaven.”

But if he had lived to sing the triumphs of modern invention, he might have suggested to the candidate for legal honors :

“Sleep when you will—shun learning’s tiresome road,
Lay other books aside, but read the *Code*.”

Those who were good lawyers before the introduction of the Code conformed to its provisions with but little inconvenience, and were good lawyers still. Those who were admitted afterwards, but understood its objects and uses, and read thoroughly the elementary principles of their profession, in due time took respectable position at the bar. But scores, unfitted by natural capacity, tact, and taste, deficient in the plainest rudiments of learning, destitute of general knowledge or education, forgetting that

“Honor and shame from no conditions rise,”

and captivated by the idea that the lawyer held an elevated and honorable rank in society, especially if he deserved it, learned like magpies to repeat the Code, and, under the unhealthy stimulus which it generated, shot up like a crop of mushrooms, in a single night as it were, and became full-fledged Code lawyers; leaving fertile acres untilled and the artisan’s hammer reposing in the workshop, that the best might

shortly wither by the wayside and betake themselves to other callings, and the worst strut as the rear guard of the profession and foster petty and demoralizing litigation.

To understand the present system of practice, the lawyer must be incidentally familiar with the Code. But he may commit it entirely to memory, including its latest, not to say its greenest, crop of amendments, and be no lawyer, without the learning which a long course of general elementary reading and severe mental discipline alone can give him. If early advantages have been denied him, it is no apology for ignorance; but he must improve with increased diligence those within his reach at a later period. So far as true legal learning is concerned, the student might as well read the by-laws of a bank, the ordinances of a village, the regulations of a gas company, or the constitution of a sewing society, as the Code; for neither will give him any idea whatever of legal science.

The proper course of elementary reading has been so often and accurately indicated in the course of your instruction in this excellent institution, that you need not to be reminded of Bracton and Fleta—of Ulpain, Coke, and Blackstone—or of Kent and Cruise and Story—but you may be profitably reminded that mere reading, unaccompanied with a clear and comprehensive understanding, will be of little service, and that it is better to read little which is thoroughly understood than much which is left undigested.

No diligent student, of good natural capacity, ever failed of success—no indolent genius, however gifted and brilliant, ever gained eminence at the bar. By reading, you gather the best thoughts of the noblest minds for generations:—you bask in the light of all the learning from the earliest dawn of civilization:—you select your weapons of moral warfare from the world's mighty armory, and, if they are well chosen, woe be to him who encounters you unprepared.

But mere legal reading will not suffice. The lawyer should be well versed in history, ancient and modern, and know where Sappho sung, where Solon legislated, and Homer chanted his triumphs; in philosophy, natural, mental, and moral; in medical jurisprudence; in a general knowledge of the mechanic arts; in the regulations and usages of trade, commerce, banking, and finance, and in other pursuits, callings, and professions.

In short, he must so accustom his mind to investigation that he can, as if by intuition, grasp any subject presented for his consideration, and master its details and explain its intricacies.

The lawyer is accustomed to lead in legislative and other public assemblies, and should be versed in the recondite science of solving social problems, termed political economy; and especially in these days of constitution making, mending, and breaking, he should be familiar with the true theories of free government, and contribute the influence of his precept and example to inculcate principles which will diffuse prosperity, contentment, and happiness, and discourage restlessness, ignoble office-seeking ambition, and indolence among the masses.

One of the prevailing errors, not to say curses, of the times is the belief that "the post of honor is a private station" no longer—that the ordinary industrial pursuits of life are too tame and spiritless for the times, if not actually discreditable; and hence office-seeking comes up, like the plagues of Egypt, into the very beds and boards and kneading-troughs, and all classes, in a greater or less degree, are afflicted by the contagion. So desirable has office become, that those who fail to obtain one incorporeal in character content themselves with a material substitute. The merchant no longer seeks his counting-room to strike his balances, but makes his computations in his office; the clergyman has forsaken his study as too old-fashioned for the age, and muses upon the beauties of redeeming grace and dying love in his office; the physician administers his scruples and the hotel-keeper his *drams* from their respective offices, and the proprietor of the livery stable sits complacently and securely in an office of greater *stability* than all the others.

The Constitution of 1846, soon to command our consideration as electors, which may be incidentally noticed with propriety, was the legitimate offspring of a restless desire for change, whether it should produce improvement or not, with which the eager few sometimes enlist the unsuspecting many. The former constitution was not in all respects equal to the demands of a State which had advanced with almost fabulous celerity for a quarter of a century from the time of its adoption, and required conforming to the exigencies of the times. No good reason demanded its destruction. The judiciary had proved inade-

quate to the demands a tenfold increasing litigation had cast upon it, and the system required simplifying and improving by lopping off cumbrous forms and giving to the courts increased motive power. But the whole was swept away together to make place for another which has been already condemned, and fortunately in its turn is to pass in popular review at the next general election.

While all classes and interests suffer alike from a pernicious fundamental law, none experience its defects so sensibly or deplore them more deeply than the legal profession ; none will sympathize more fully in a change which promises improvement, nor lend more active energies to aid in reformation ; for if the gordian knot cannot be untied, it must be severed.

In treating of the Constitution of my State I would that I could conscientiously and charitably conceal its destitution ; but since the period has arrived when its merits and demerits must be discussed, duty no less than inclination prompts that it be done with a freedom becoming the occasion.

This Constitution, like the hands of the demented Lear, "smells of mortality" most lamentably. Those who make shrines for Diana will cry out loudly of her greatness and excellence, but it is believed that in searching the Constitution of every State in the Union, not one will be found so deficient in statesmanship, so abounding in monstrosities, so replete with delusion, so bloated with conceit, or so nondescript in character, as this. In ten years it has transformed the greatest State in the Union to the least—the first to the last. It has dwarfed legislation, destroyed all sympathy between the constituent body and the representative, opened the flood-gates of expensive and protracted litigation, to be disposed of by a judiciary system, which was ushered into existence in a state of paralysis ; and last, though not the least, has so obscured the executive chief of the Empire State, that the best informed can hardly say who is Governor, even after the election. Lest wisdom should not survive the age that gave it birth, it gravely provided for the taking of testimony in equity cases ; for the publication of law reports—but, evidently anticipating the character of some which were to be issued from its courts, it ventured to leave to legislative discretion whether they should be in sheep, calf, or boards ; and ordained that in

1866, and in every twenty years thereafter, the question of a convention should be submitted to the people !

Its financial policy was founded in a sense of popular distrust, which would have been refreshing in the days of the elder Adams, and practically concedes that popular representative government has proved a failure ; that persons cannot be found possessing sufficient wisdom and integrity to discharge faithfully the representative office, or that, if such exist, the electors have not the honesty or discernment to select them. Its crude hobby-riding and absurd dogmas in this respect alone have already done more evil in degrading popular government than its mole-eyed theories could repay in a dozen centuries, if reduced to practice. So long as a representative government is upheld, legislation should be permitted freely to exercise its functions upon all legitimate subjects, leaving its errors to be corrected, its abuses redressed, and its excesses restrained, not by constitutional prohibition, but by elevating the representative standard, and holding the servant to a strict and unsparing accountability ; and so long as States authorize, construct, superintend, and improve public works, they must make them matters of legislative cognizance. Debt is a withering curse upon individuals or States, consuming their substance and blighting the fairest prospects ; but neither men nor States can be elevated by chaining down the manhood of the one, nor the supremacy of the other, to guard them from excesses. If legislation imposes onerous debt, either with or without the sanction of the people, the error will prove its own corrective ; the current which has overflowed its boundaries will subside again into its natural and healthful channel, and the substantial recollections it begets will prove a stronger barrier against excessive and improvident legislation than all the constitutional provisions which can be framed in the English language. Things educate more thoroughly than theories, and one startling tax teaches more political economy than all the writings of Smith and Say and Bentham and Abbe Raynal and Macculloch together. The system of obstructions in affairs of legislation is a false one. It degrades the representative relation, by teaching the masses that the Constitution has wisely placed the public weal beyond the reach of legislative mischief, and it is of little moment who or what is the recipient of representative

honors; and it sends forth the representative to swear to the support of a Constitution which pronounces him unworthy to be trusted, and leaves him alike shorn of the confidence of his constituents and of his self-respect.

All experience has proved that, whenever constitutional provisions obstruct the popular will on its way to the attainment of a desired object, the demoralizing process of evasion is the ever ready and successful resort. A fundamental law should organize the several departments of the government; guard it against the mere ebullitions of partisan spleen and rancor, and commit it fully and freely to the popular representative will. Its framers should remember that a State which produces wise men for conventions can produce them for legislatures, and that a people who can select with just discrimination representatives for one will, when the exigencies of the occasion demand, prove equal to the emergency of selecting them for the other; and that although in the church "a saint in crape is twice a saint in lawn," the analogy scarcely extends to the affairs of State.

The Constitution of 1821 practically presented a memorable illustration of the absurdity of placing the business affairs of a State under the ban of constitutional provisions. It authorized the Erie and Champlain Canal debt, and, in providing for its extinguishment, declared that the tolls upon certain enumerated articles should not be reduced below a specified minimum until the debt should be fully paid. This class of articles pressed upon the canals for transit, and promised large additions to the revenue; but the rate of tolls established by the Mede and Persian edict in the Constitution operated as a complete prohibition; and that same legislation, which the wisdom of the constitution-makers had distrusted and prohibited from acting, for the purpose of protecting and preserving the revenues of the State and opening the great channels of trade to the enterprise of the people, was impelled by the necessity of the case, upon the recommendation of an upright and honored Chief Magistrate, seconded and sanctioned by executive officers of the highest integrity, in the various Departments, and in sympathy with the popular demand, to provide, that, although the prescribed tariff of tolls should be paid upon the clearing of a boat, a portion should be returned on the discharge of its cargo, un-

der the name of *draw backs*! and thus evade a provision, the subject of which should at all times have been left under the free and unrestricted control of legislation. Thus it has ever been, and thus it ever will be, where constitutions in a free State claim a monopoly of wisdom and integrity, and essay to place affairs which concern the best interests of the people in common and belong to legislation, beyond the reach of representative power.

By the system of single districts in the election of Senators and Representatives in the Assembly, prescribed by the present Constitution, cross-road politics have become the standard, instead of statesmanship or approved public character; candidates are placed in nomination to represent their square upon the State chequer-board, not by the voice of popular conventions fairly expressed, but by themselves and sympathizing friends and neighbors, and the imposture is appropriately completed in the discharge of representative duties. The member does not represent a county, where there are more districts than one, but a neighborhood; and when he has secured an enactment to prohibit the catching of suckers and bull-pont in the village mill-pond, at improper seasons of the year, he has answered the expectation of his constituents and satisfied the yearnings of a meagre ambition.

The Senate of this State, under the former Constitution, was one of the most intelligent and dignified legislative bodies in existence. Many of its members at all times were the peers of an equal number in the highest legislative body of the Union. It commanded, at home and abroad, universal respect. A seat in it was an object worthy of the noblest ambition. Its thirty-two members were distributed equally through eight districts; the full term of service being four years, and one term for each district expiring annually, secured to the body at all times a large experience, an intimate acquaintance with the affairs and details of legislation, and made its harmonious and symmetrical framework one of the chief sources of our pride for its wisdom, strength, and beauty. But the craving spirit of spurious reform raised its huge pickaxe against the structure, and upon its ruins reared a shapeless, incongruous pile, neither Senate nor Assembly, neither permanent nor popular—biennial in its entrance, existence, and exit; in the fashion of legislative bod-

ies, unlike anything which was before, or will be likely to come after it; and reposing in the archives of the world's ample patent office as a new, if not a useful invention, of the Constitution of 1846.

The present banking system of the State did not originate with the Constitution, but was approved, sanctioned, strengthened, and fostered by it, and may be regarded as a part of the same pernicious polity. It has been somewhat universally lauded as one of the wisest systems ever devised, and volumes of popular incense have been made to wreath beneath its nostrils. But it is believed that, upon just examination, it will be found in principle a most unsound and vicious organization. In the commercial cities or moneyed centres, any system which permits the banker to receive and discount upon deposits, and secures strict accountability, is a good one. But through the agricultural regions of an extended State, if a paper system of issue and circulation must be sanctioned or established, it should be, as far as practicable, a wise one.

The system rests for its foundation upon that most insecure of all reliances—State and individual indebtedness, without which it could have no existence. It neither affords a fair profit to the banker in return for the employment of his capital, in its legitimate workings, nor sufficiently accommodates the business enterprise of the country in its diversified transactions. It centralizes where it should diffuse; it forces actual capital from the country, where it is required by the calls of business, to the city, which is amply supplied by the laws of trade; it robs the banker of his specie capital, and substitutes empty indebtedness; it makes, by artificial law, the country tributary to the city; it compels the banker, like the slothful servant, to bury his money in a napkin, and conduct his banking business like a modern Congressional duel—entirely on paper. If it is said that the system is a safe one, it is replied that no financial scheme is either safe in theory or secure in practice, which deprives the banker of the use of his capital in his legitimate business, and drives him to exchanges for redemption, and the side-door for profits; which forces his notes to the moneyed centres with the rapidity of a carrier pigeon, to be redeemed by the notes of a neighboring bank, and both to be returned with the same rapidity they were forwarded; which buries the

moneyed capital abroad, and draws its sustaining life-blood from debt. It is not denied that, when judiciously managed, it is for all present purposes entirely safe for the bill-holder, and generally the depositor. But as a system of State policy it is essentially erroneous. It would be far safer to inculcate by legislation the payment of debts, State and individual, rather than stimulate the creation of either or both by the plea that the securities are necessary as a basis for banking;—better to leave to the banker his moneyed capital for the transaction of his business, securing the public against inflations, frauds, and failures, by wholesome guards of limited circulation, specie averages, and vigilant supervisions. The business of the country would then rest upon a moneyed basis, and not upon a vacuum to be filled by the payment of a debt, and, while enterprise would be more generously rewarded, revulsions in sweeping over would scarce create a ripple on the surface of financial affairs.

But the premium absurdity of the Constitution of 1846 was reserved for the judicial department, and here the genius of confusion seems to have invested her whole funded and floating accumulations. Verily:

“Nature ne’er meant her secrets to be found,
And man’s a riddle which man can’t expound.”

If the tempter of our race had sought to originate a system calculated to degrade the bench, bring courts and judges into popular contempt, unlearn the bar, give ignorance a roving commission, and set legal results afloat upon a shoreless ocean of uncertainty, he would have discharged his errand faithfully and successfully by inspiring this.

It is not intended to discuss elaborately the elective feature, for that is one of its most tolerable provisions, although it has clearly failed to answer fully the public expectation. It would doubtless have been more successful, if it had been separated, as it should have been, from the general elections, and the selection of candidates had been made outside of the atmosphere of political conventions. No one distrusts the ability of the people to select with wise and just discrimination, when opportunity is given for deliberate reflection. But so long as

the great body of electors have little sympathy or connection with the management of a nominating caucus, and must choose between the candidates presented or remain passive, the popular intelligence will be imperfectly represented. Still, with all the embarrassments that have hindered its success, it cannot be pronounced a failure, and while its defects are manifest, it has corrected others in the former system of executive appointments that were no less objectionable.

The Court of Appeals is erroneously constituted, and has proved utterly inadequate to the duties set before it. The number of judges sitting is too small for a strictly popular court, and too large for the careful and rapid dispatch of business. The feature which annually gives four of the Justices of the Supreme Court a term of schooling in this court, either as a reward for services, or a punishment for delinquencies in their official duties, was one of the wildest vagaries of this comedy of errors—embarrassing to the permanent members of the court, humiliating to the judicial sojourners, and detrimental to the cause of justice.

We must, however, make way for the Supreme Court, if the seven-headed and ten-horned creation now serving as our highest court of original jurisdiction, may be thus dignified. There is a grandeur and mock magnificence in its failure, which leaves the contemplative mind in doubt, whether to stand rigid in melancholy, or relax into mirth. Its failure cannot be attributed to the character of the incumbents, for among them are many eminent for their solid learning, and distinguished for their experience, good sense, and integrity. It has not been in the circuits or special terms, for business there, so far as the country is concerned, has been despatched with reasonable speed, and causes have generally been fairly heard and satisfactorily disposed of. But it inheres in the very essence of the organization as a Supreme Court *in banco*, with as many eyes as Argus, looking different ways, and as many limbs as Briareus, struggling in opposite directions—trunkless and headless, and no one member in sympathy with any other.

The law of the Supreme Court finally determining the right between Smith and Jones to a farm situate one half in Cortland in the sixth, and the residue in Onondaga, in the fifth district, all depending upon the same title and the same question,

by the judgment of the Supreme Court of the sixth district, gives the Cortland half to Smith, and by the judgment of the same court in the fifth district, gives the Onondaga half to Jones. Neither of these courts is merely *a* Supreme Court, but both and each are *the* Supreme Court, and both judgments are, so far as this Court is concerned, final and conclusive. What is justifiable in law by the Supreme Court in Erie, is by the same court pronounced illegal and criminal in Kings, and that which may be practised with impunity, and under the shield of the law's protection in St. Lawrence, will, by the judgment of the same court, commit the perpetrator to prison for the commission of a wrong in Tioga.

A judicial system so swollen with error and perverted by stupidity could never deserve and should not receive the public respect, sanction, or approbation. Its ministering justices will prove unable to raise it up to a respectable level; but it will hang upon their necks like the festering bodies placed by order of the worst of Cæsars upon the shoulders of those condemned to punishment. It would have sunk a Mansfield or a Marshall below mediocrity, and have shorn a Spencer and a Kent of their attributes of learning and wisdom; and yet the Sangrados of the day will cry out with interrogating consternation, whether we propose to give up the system!

Under the early rigor of the Roman law, a jury not readily agreeing were transported from place to place in a small cart until they should deliver their verdict; but with us the jury have been released, and transportation from one point to another reserved for the court alone until judgment shall be rendered. Look for a moment in sober earnest at what is called, by way of eminence, a General Term of the Supreme Court; of which eight are sitting, perchance, at the same time, in the several districts, manufacturing octagonal law. But one will serve as a description of others, if not of the whole. At a previous term the court have heard some fifty arguments in causes of greater or less importance, which remain to be decided. During the ordinary hours of business in the daytime the court is engaged in hearing arguments in causes upon the calendar; in the evening its members meet to consult upon and decide those argued at a previous term. They not unfrequently are gathered in a room of a village tavern, not less in dimen-

sions than nine by eleven—furnished with a cot-bed which gives audible complaint when approached too nearly, two or three crippled chairs, and a table that tips without the intervention of a medium; and here, in a few hours snatched from rest and relaxation, the Justices of the Supreme Court of this great State sit down to review, by the lights and shadows of a tallow candle, the decisions of subordinate tribunals—of the circuits and special terms—and to pass upon the gravest rights of life, liberty, and property of the citizen.

Such a system has destroyed the character of our Judiciary at home, “and made us the reproach of neighboring States.” To restore it, amongst other reforms, we must have a Supreme Court *in banco*, which can act as a unit, so organized in numbers, ability, compensation, and duration of official term, that it can hear, examine, and decide causes in a manner becoming the Supreme Court of a State, whose judges, in other times, were great lights along the judicial pathway of the civilized world.

Tremble not, my friends, at the wide field of effort which has been opened before you. Domains of more ample range and extended boundaries have been successfully cultivated and fertilized by those who have preceded. The work cannot be accomplished in a few months, nor in a few years, but must be a labor of life. Your legal education has not been completed—it is about to commence. You have reached the first great point in legal science, and one of the most difficult and perplexing, but not the last. You have learned how to learn, and your desire for knowledge will increase with its accumulation. At fifty you will read more than at twenty-five, for the instruction it conveys as well as the pleasure it confers, and will learn that the desire for knowledge, in the inquiring mind, is as deathless as the spirit of man.

In choosing the profession of the law, you go out into the world like the knights of chivalry, to espouse the cause of justice and innocence, and to stand between oppression and its victims. Armed with the panoply of learning and protected by the social virtues, though unknown in the lists, you may fearlessly enter and strike with the pointed end of your spear the shields of the Brian Du Bois Gilberts.

The march of time is onward, like the flow of an unremitt-

ting stream. One generation succeeds another, like waves which roll over the surface of the deep. Those who now fill the responsible trusts in the various departments of life will soon all be laid in the dust. Soon you must be called to plead at the bar, to declare decisions from the bench, and to stand as representatives in the legislative forum. Fear not, falter not; let your course be upward and onward, and length of days shall be in your right hand, and in your left riches and honor.

Expect not to commence in your professional career where eminent experience leaves off, but strive to emulate the noble example of him whose munificence endowed this fountain of legal light and learning, for the diffusion of a science at whose shrine he had worshipped with an Eastern devotion, and the elevation and refinement of a profession that he loved—the lamented Maynard. Contemplate his progress, from humble beginnings, through a course of toil, of severe application, of self-denial as a student, to the ripe and accomplished scholar, the respected and virtuous citizen, the profound lawyer, and the wise judge and statesman; when in the maturity of his strength and the zenith of his fame, too strong for earthly courts, he passed away to a tribunal,

“Where every right decree is ratified,
And every wrong reversed and set aside.”

“Tread lightly upon his ashes, ye men of genius, for he was your kinsman.” Cherish his memory with veneration, and cast chaplets upon his tomb.

The history of the bar is a history of illustrious examples, patriotic impulses, and noble deeds. Its members have been conspicuous among those who have at all times shed lustre upon our country's fame; they led our armies in the fearful days of revolutionary peril, and gave to the cause of liberty a declaration of the rights of man which will throw light along the shadowy path of tradition when records shall exist no longer, and every page of history shall have faded away.

The noble intellects of a country are the sheet-anchor of its hope; they protect its moral as the citizen soldiery do its material outposts. In the ebbs and flows of life's mighty ocean; in the chafing of its tides; in the rushing of its gulf-stream; amidst the storms which agitate its bosom and heave it in maddening, whirling currents now riding mountain high,

now yawning in fearful chasms, now placid and serene—no impotent Xerxes with his paper constitutions can bind it in fetters, nor Canute with his penal statutes limit the swelling of its waves. The stream cannot be raised higher nor made more pure than the fountain, nor the constitution and laws of a State excel in strength or wisdom the great body of its people. Laws may punish vice, but it is not their office to force the growth of virtue. The security of a State rests in the sound morality and intelligence of those who compose it; and when these safeguards fail, the problem of self-government will be finally solved, for paper laws will prove a delusive mockery. No standing armies, no bristling bayonets, no naval armaments can quicken the pulsations of liberty or measure the heart-throbs of emancipated man. Religion, virtue, intelligence, point the pathway of duty and assure us of the rewards which await their votaries. During the last century, an eminent lawyer of the Old World, by the feeble and flickering light of liberty which forced its way through the cracks and crannies of a stultified system of monarchy, caught up the true inspiration, and by pregnant interrogatory and answer (which, though worn with time and service, are always new), well declared the true principles of a government of laws :

“ What constitutes a State ?

Not high-raised battlement or labored mound,

Thick wall or moated gate ;

Not cities proud, with spires and turrets crowned ;

Not huge and broad-armed ports,

Where, laughing at the storm, rich navies ride ;

Not starred and spangled courts,

Where low-browed baseness wafts perfume to pride.

No ! Men—high-minded Men,

With powers as far above dull brutes endued,

In forest, brake, or den,

As beasts excel cold brakes or brambles rude :

Men, who their duties know,

But know their rights, and knowing dare maintain ;

Prevent the long-aimed blow,

And crush the tyrant while they rend the chain.

These constitute a State :

And sovereign law, that State's collected will,

O'er thrones and globes elate,

Sits empress, crowning good, repressing ill.”

REMARKS

AT THE LAYING OF THE CORNER-STONE OF THE N. Y. STATE INEBRIATE ASYLUM, AT BINGHAMTON, N. Y., September 24, 1858,
INTRODUCING TO THE AUDIENCE HON. EDWARD EVERETT.

[After the Masonic Ceremonies and Opening Remarks by the President of the Association, and Addresses by Dr. John W. Francis and Rev. Dr. Henry W. Bellows of New York, the President, Hon. Benjamin F. Butler, in continuance of the proceedings, said: "There is a resident of this village who has taken a great interest in this enterprise; who has held a high place in the government of this State, and a still higher place in the government of this Union, who, I am sure, will be listened to with great pleasure, not only by his own fellow-citizens of the town of Binghamton, but also by the men who have come from distant places—some from the very end of the State. I introduce to you my friend, the Hon. Daniel S. Dickinson."]

Mr. Dickinson said:

MR. PRESIDENT, FELLOW-CITIZENS—Upon an introduction so kind and generous, it gives me great pleasure to speak, that I may welcome with my whole heart this vast audience, and the numerous distinguished gentlemen who, having contributed of their influence and substance for the inauguration of this institution, sacred to the cause of philanthropy, have come hither to participate in laying, with becoming ceremonies, its moral and material foundation. Time will not permit me to speak of the benefits and blessings which are destined to flow from the Inebriate Asylum for the frail, erring children of humanity—nor to tell of the pure, gushing life-streams this great fountain of good is to send forth, to refresh and fertilize the bleak and barren waste of intemperance—nor to point to the inebriated maniac, who shall, by its Heaven-born influences, be clothed again in his right mind—nor of the prodigal son, who, covered

with vice and rags, shall, through its ministrations, arise and go to his father.

If the great army of intemperance—those who are dying under the influence of this remorseless destroyer—those who are becoming lawless outcasts—those who commit, or associate with crime, by reason of intoxicating draughts—should march together in solid column, the earth itself would heave, and throb, and tremble under their tread, as though moved by the convulsions of a volcano! To arrest the progress of this terrible element, Philanthropy, in her ceaseless effort for fallen man, erects this institution. How many fathers are looking on with a parent's painfully anxious solicitude! How many wives and mothers will reverently kneel and pray to the Father in Heaven that this effort may be blest! Oh! how many children will raise their little hands in prayer for its success, that the monster, intemperance, may never come to torment them before their time, and curse with blood and tears the lustre of their birth-star!

But I must pause, for I am forgetting that, among all the distinguished here, there is one pre-eminent upon this platform—one who came upon another errand, but has kindly consented to honor us by his presence—one who is known wherever the philanthropic heart has throbbed, wherever learning, eloquence, or statesmanship are known, or civilization has travelled; and I shall best serve you by closing my remarks, and introducing to you EDWARD EVERETT.

SPEECH

DELIVERED AT THE DEMOCRATIC STATE CONVENTION, HELD AT
WEITING HALL, SYRACUSE, N. Y., September 14, 1859.

[The New York Democratic State Convention of Sept., 1859, was called by the State Committee to nominate a State ticket and appoint delegates to the National Convention, to be held at Charleston, in April, 1860. There was then but a single organization of the Democratic party in the State, and a majority of the State Central Committee represented what had been, in the days of the party divisions, the "Barnburner," or "Free-soil" and "Soft" interest. Pending the call, two questions were raised in opposition to what seemed to be the purpose of the Committee—one that the time selected was too early for the appointment of the delegates to the National Convention, the other that, except those to represent the State at large, the delegates ought to be appointed by the Democrats of the several Congressional Districts, and not by a State Convention; and a somewhat spirited canvass for delegates to the State Convention was conducted, and contesting delegations from some counties, and particularly from the city of New York, were elected. Mr. Dickinson, and a portion of the party of those known as his friends, did not participate in this contest on either side; another portion of his friends, with others, took part against the policy of the State Committee. The view taken by him of the subject was, that as the party, since 1856 at least, had ostensibly been united upon a common platform, there ought not to be a division and a double delegation to Charleston, nullifying the influence of the State; as had been the case in former National Conventions, when the party was divided at home, especially upon personal considerations, or mere questions of policy. Besides, he believed that the vote of New York would be necessary for the election of any Democratic candidate to the Presidency, and he knew that no such candidate could hope to receive the vote of the State who should be nominated in opposition to, or without the concurrence of, the party interest which was in harmony with the majority of the State Committee. From the political signs of the times, and aside from any personal feeling he might have had, from being prominently and widely named as a candidate, he saw the

necessity and felt the greatest anxiety that a National Democrat should be elected to the next Presidential term. He therefore firmly determined that, as the State Committee interest would have and doubtless exercise the power to control the action of the State at the election—that is, to make it adverse when otherwise it might be favorable—they should have, as far as he was concerned, the undoubted responsibility of all the preliminaries as well as of the result. He was resolved, too, not to be thrown into a false or questionable position, and as there were indications of a contest at the State Convention, he attended personally, though not a delegate, to use his influence in favor of conciliation and a united delegation. A collision occurred, however, upon the question of organization, which shaped the whole character of the Convention. A double organization was partially effected, two chairmen being in position and attempting to act at the same time, when the Chairman nominated on behalf of the State Committee was forcibly thrown from the platform by a person not a delegate, but alleged to be a bully acting under the procurement of some one on the other side. The assaulted chairman, with a portion of the delegates, thereupon left the hall. The adherents of the other organization continued their proceedings a short time and adjourned, when the ejected chairman returned and called to order. So gross had been the outrage upon him and upon the Convention, so revolting to the sense of every friend of decency and order, and so marked was the feeling of condemnation, that a large majority of the delegates,—almost all, except some who were elected as contestants—answered to their names, and took part in the Convention as thus organized. (Delegates to Charleston were appointed by this Convention. Contesting delegates were subsequently elected under the other organization, but they were not admitted to the National Convention, and the State Committee delegation was in no way embarrassed in its action by their claim to seats.) Soon after the interruption and reassembling above described, the Convention, on motion of a member, passed a resolution inviting Mr. Dickinson to a seat, and appointed a committee to communicate the invitation and conduct him to the hall. His reception is thus noticed in the published proceedings: “At this moment Daniel S. Dickinson appeared, and the Convention sprang to its feet, both in the gallery and hall, and the cheering for several minutes, as he advanced to and took his seat on the platform, was deafening. Loud calls of ‘Dickinson,’ ‘Dickinson,’ rang from every part of the hall, when Mr. Dickinson arose and spoke as follows:”—]

MR. CHAIRMAN AND FELLOW-CITIZENS—I am exceedingly gratified to see, at a time of such an interesting crisis in the Democratic party, so many good and true men who are en-

rolled under the Democratic banner. By the hearing of the ear I have understood that there have been some unfortunate differences and dissensions in your ranks to-day, growing out of the organization of this Convention ; but not knowing the facts in detail, I pass them all by, saying, in the abstract, that I am here for union, peace, and harmony, and for these only. I came to this city for the purpose of taking my fellow-Democrats by the hand. The opportunity to meet so many has not often been afforded me. I hoped my experience in and devotion to the Democratic party might conduce to a thorough union—a union which would combine all interests, which would know no section, and admit of no divisions. My voice, I hoped, might contribute to effect such a union. Whoever departs or has departed from this specific council has my condemnation. Whoever makes an effort to control the party, inconsistent with fairness, with honor, with its usages and the dignity becoming a deliberative body, acts not only without my advice, but against my judgment and my wishes.

My feelings towards the Democratic party are known to all. The record of my life speaks for itself. So long as the differences which formerly distracted its counsels originated in a difference of principle, I believed no real harmony could prevail. I acted up to the honest convictions of my mind, as I always intend to do, whether in weal or woe, success or defeat. When those who adhere to doctrines adverse to the Democratic creed joined themselves to other organizations, I said that only personal feelings and prejudices, and the desire of individuals for office, prevented the Democracy from coming together and acting as a unit. Since then I have, upon all occasions, endeavored to cast oil on the troubled waters. I may say of those past dissensions, as the British king said of the United States, "though the last man to admit their independence, he was the first to recognize it and welcome their minister, when it was achieved." I have now no fear for the Democracy of the State, for all its great principles of liberty and equality, its national heart, its humanitarian efforts, its ceaseless progress, its respect for the universal rights of man ; and have invoked, and here anew invoke, peace and harmony amongst all true disciples of the Democratic faith. Yes, fellow-citizens, I repeat I would sooner suffer my right arm to be severed here

before you ; I would sooner that my tongue should cleave to the roof of my mouth, than consent to lend myself to wrong, to anything overreaching—anything tricky in a deliberative convention. I never did, and I never will. I repeat, I express no opinion as to what is alleged to have been done, for I know nothing of the facts, but I have the will and the nerve to stand by the right when I am satisfied where that right is.

I have had some experience in reverses and dissensions in the Democratic party. I have seen the time when, for the stern discharge of duty, like the spy of Washington, scarce one would recognize my position or take me by the hand ; and I did not falter. I have seen the time when bouquets of flowers were laid at my feet because I declined the use of my name for the Presidential nomination, and I did not falter then ; and I am able to stand now, as ever, by the Democratic party, through triumph or defeat, success or reverse. I am of no section ; I know no section geographically, and no section politically. I am of that party which believes in and upholds the equal and just rights of man, and which opposes all assaults upon the Constitution, either of the State or nation, come from whence they may. I am opposed to the party that treats the State worse than Herod and Pilot together treated the people of Judea and Galilee. Despicable tyrants as they were, robbers of a down-trodden people, they did not ask that the people, after being borne down with exactions, and going up to Jerusalem to be taxed, should go up to register their names besides. But the Republican party—the party of professed benevolence and philanthropy—have not only laid their hands on the earnings of labor in taxes, but they ask the laborer to leave his plough in the furrow ; every working man to forsake his labor for a day, to go up to Jerusalem to get registered. Against that party I desire to see the Democracy array itself in a solid body, laying aside all squabbles about organizations in localities, and all personal prejudices. We have here a matter that concerns the people, who have no interest in the squabbles of politicians. The people have a right to demand that justice shall be done to them in matters of so grave a character, and they will see that it is given them.

The Democratic party is the great catholic party of the country and of the world. By its doctrines I abide. I do not

ask and do not care what man holds office if he discharges his duty. I have held office myself, and long enough for my advantage. Whether I shall ever hold another I do not know, and do not care. I am better off out of office than in, and have sense enough to know it. If the people want me, I believe they will stop the great Democratic train and take me in. I have no craving desire to be before the public, for I am a better soldier in the ranks, as I myself believe, than commissioned leader; but I would not shrink from duty whenever devolved upon me. I believe the people have intelligence enough to know who they want, and to give them notice when they are wanted.

Now, my friends, I hope the clouds will clear away.

A voice. "They're gone already."

Mr. Dickinson. So much the better. I trust all breaches in the Democratic ranks will be closed, and that the engine will go on at such speed that people will have to clear the track ahead, and hold on behind, so as not to be run over or left in the rear. The two branches of "the opposition" are separated, though their separation may not be eternal; but like that of the racoon and wildcat who were parting. "We shall never meet again," said one. "Oh, yes, we shall," replied the other, "at the hatter's shop."

I thank you, fellow-Democrats, for having given me this opportunity of addressing you. It is an interruption of the regular proceedings of this Convention, but I am nevertheless glad of the privilege of exhorting you to appeal to no sectional or personal feelings. Look only to the future, and do not live in the prejudices of the past, or gratify the ill-feelings of a by-gone day. I am willing to ignore and forget all past dissensions in the Democratic party. Every man who will buckle on his armor and go on with me to redeem the State of New York, to protect the courts, the Constitution, and the people, and to rescue our cherished State from misrule—to him I extend the right hand of fellowship to-day. What are now the conflicts of 1848, or any year that is past to us? Nothing; but the future may be ours to improve. I am glad, fellow-Democrats, that I am here. I doubted, in my own mind, whether it was proper for me to come to this Convention, but, as I said to a Democrat, doubtless now within hearing of my voice, I had free papers and a right to come if I pleased. As

these little dissensions have arisen, I repeat, I am glad I am here. I have seen squalls before to-day, and they never alarm me in the least. I do not know, indeed, but that I feel more at home in a squall than in a calm. I do not intend to blame anything that has arisen here. Indeed, I do not know the circumstances. But I am opposed to any unfairness, to any duplicity, to any double-dealing, to anything that does not become a synod of deacons, in this organization.

The Democratic party is just starting on a great campaign, and the guns fired here to-day will echo and re-echo until the close of the Presidential election. Let every man speak and act so that his words and deeds will appear well one year hence. Do that, and the Democratic party will be united, and stand on a basis broad enough and strong enough to support the beautiful superstructure. There will be room for all within its area. Away, then, with all personal feeling and jealousy. March onward, forward, to victory. Who will join hands with me to-day in this work? [Cries of "all, all."] That is well, fellow-Democrats. Let not brother turn against brother. Look not into the troubled past, but press forward, and the great Empire State will emerge into the golden sunshine of prosperity, and the laborer, no longer pressed with burdens, will look up to the clear sky and know that he is no more to be borne down by taxation and registration.

Let us then stand to our guns. Let there be no clique here, or faction there, to build up or to pull down. But where the Democratic party is, let us be there. When the drum beats, respond to its call. And let me, in closing, assure you, that wherever I can be of service, there you will find me. You may have some among you who can do better service, but not one who will rise up earlier or retire later in the cause.

ADDRESS

DELIVERED BEFORE THE CHENANGO COUNTY AGRICULTURAL
SOCIETY, September 22, 1859.

[The publication of this Address, of which two editions were issued by the Society, was preceded by the following correspondence :

“ OXFORD, December 28th, 1859.

“ HON. D. S. DICKINSON :

“ DEAR SIR—I have been absent a few days. Returning, I found yours of the 28d, declining a copy of the Address, delivered at our late Fair, for publication. I regret it very much. Pardon me, if I seem too importunate in this, and repeat my request. By those who were fortunate enough to get places to hear, the address will long be held in pleasing and profitable remembrance. ‘They will not willingly let it die.’ But, by reason of that constant shower of rain, a very large proportion of those gathered there on that occasion were reluctantly compelled to deny themselves the pleasure of hearing so good, so great a thing. Hence I am the more anxious for publication. It is not necessary to mention that Chenango is very proud to claim as her son one who has done her, the State, the nation, so much honor ; and of whom the farmers and mechanics are pleased to speak as an elder brother—one who went out from them at an early manhood, and after long years has returned at their call, and given them the teachings of a long and varied experience, the knowledge gathered from broad fields of observation and thought, and a wisdom obtained as well from the high and lofty standpoints of earth as from the common walks of life. Your words to the people were sweet. They would treasure them up and have them in such form as they may recur to them often, and hand them down to their children. No county can give like reasons as this why you should break over your rule, ‘not to publish.’ Suffer me in this request to prevail. I know not how to go up to the Annual Meeting of our Society on Tuesday next, and there report my inability to procure the Address for the press.

“ May I hear from you soon.

“ I am, sir, yours very truly,

“ HORACE PACKER.”

" BINGHAMTON, January 2d, 1860.

" MY DEAR SIR : Your second and urgent application for the publication of the Address delivered by me before the Chenango Agricultural Society induces me to depart from my determination and comply with your request ; but I do so with reluctance, for overwhelmed as I am with a press of varied occupations, I have no time to devote to such matters, and addresses of this character are from necessity hastily prepared—delivered without review or correction, and must therefore lack accuracy, compactness, and originality of thought. But I owe Chenango peculiar obligations, and will refuse no request she can make of me. I therefore place the manuscript in your hands as it is, for such disposition as you may think proper, and have the honor to be sincerely yours.

" D. S. DICKINSON.

" HORACE PACKER, Esq., President Chenango Agricultural Society."]

MR. PRESIDENT AND FELLOW-CITIZENS, LADIES AND GENTLEMEN—When we cast our eyes abroad upon this beauteous earth, with its extended plains, its majestic mountains, its lovely vales, its grand primeval forests, its fertile fields, and its golden harvests ; when we witness the throbbing bosom of its restless ocean, the gliding of its wandering rivers, and the murmuring of its meandering streamlets ; when we essay to contemplate the mysterious magnificence of the celestial world, until lost in wonder and admiration ; when we are awakened from our reverie by animate existence, see flocks and herds on either hand for man's enjoyment, the lamb gambolling from his hillock, the wild bird paying its glad matin and vesper devotions, pouring out from the fulness of its heart its joyous notes ; when we consider man, created in the image of his God, endowed with the mysterious faculties of reason, and bearing in his breast the germ of immortality, presiding over all, how can the human mind measure the mighty contrast, when " the earth was without form and void, and darkness was upon the face of the deep." Then no azure heavens, so " darkly, deeply, beautifully blue," were spread out—no golden sunlight shone, no moon displayed her crescent, no stars twinkled—no noontide beamed—no twilight cast her gossamer curtain along the eastern horizon—no evening " closed her pennons down "—no ocean heaved with ebb and flow like the pulsation of the human heart—no rivers ran—no streams meandered—no rains descended—no fertilizing

dews stole gently to their destination—no herds lowed—no flocks bleated—no lambs skipped—no birds sang—no verdure germinated—no flowers bloomed—no fruits ripened ; there was no hum of industry—no voice of man—no laugh of merry childhood :

“ But gay or gloomy, steadfast or infirm,
No heart was there to mark the hour's duration ;
All tides and times were lost in one long term
Of stagnant desolation.”

In the progress of Divine economy, the heavens and the earth were finished, and all the host of them, and man was created, and commanded to replenish the earth and subdue it, and was given dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth.

The primary duty of man is plain. His mission is before him. It is to learn by the teachings of Revelation and the deductions of reason, the law of his own existence ; to estimate the blessings which a beneficent Creator has set in boundless profusion before him, and to discharge with conscientious fidelity the interesting and varied responsibilities of his high estate.

The gorgeous hues of the lilies of the field excel in beauty the diadems of Oriental princes ; but they were strewn along the pathway of man's pilgrimage to beguile his weary footsteps, and are cut down and perish like the grass. The birds of the air, with plumage rivalling the tints of the rainbow, make every grove and woodland vocal with sweet song, for man's enjoyment, but God has vouchsafed to them only the faculty of instinct, and they provide subsistence, and build their nests, and rear their young the same this day as they did when their notes ushered in the first morning of their existence. The wild fox digs his hole, eludes his enemy and seizes his prey with surprising skill and consummate cunning, but experience has been lost to him, and his race have made no progress since the first habitation he constructed.

In the adaptation of nature, and the spontaneous productions of the earth, God has warmed and fed and clothed all animate existence but man, to whom he gave dominion over all.

While “ foxes have holes, and the birds of the air have

nests, the son of man has not where to lay his head." He alone was endowed with reason, invested with a deathless spirit, clothed with the habiliments of a glorious immortality, and a great and benign mission set before him in the work of human regeneration and progress—progress in industrial pursuits, in agriculture, commerce and the arts; progress in science, in all its diversified relations—in the occult mysteries of philosophy, natural, mental, and moral; progress in the whole scope of man's earthly mission, which demands his best efforts in the field of life, in subduing its rough and forbidding configuration, and fertilizing its barrenness—in wrestling with the sins which beset, and the temptations which allure him from the path of rectitude and duty; progress in that Heaven-born charity which folds beneath its angel wing the most abject of God's children—in social duties and domestic affections—in self-examination, communion, culture and elevation, and progress in advancing the cause of pure and undefiled religion—in mitigating the harsh features of sectarian creeds, so that all may meet together around the same consecrated home-hearth, like children of a common father, and all slake their thirst at the same gushing well-spring of immortality.

Industry is the cardinal duty of man. It is a primary element in the economy of his existence. It lies at the foundation of the social structure. Its necessity is stamped by the impress of the Creator's hand upon every moral and material lineament of his being, and the injunction that he should eat his bread in the sweat of his face is as emphatic and irrevocable now as it was when, pale and trembling, he was summoned by an Almighty fiat from his terrified concealment in Paradise. And despite the alarming degeneracy of the times, and the startling inroads of indolence and pride and lust and luxury, while many worship at the shrine of industry like the poor publican, *afar off*, industry receives her full meed of praise, and indolence her appropriate measure of condemnation and disgrace. Industry is the parent of every virtue, and countless blessings follow in her train; indolence is the prolific mother of plagues as numerous and deadly as those which escaped from the fabled box of Pandora; theft, forgery, robbery, and arson are its concomitants, and a brood of social vices, ending in murder, hang upon its festering footprints. Industry is the associate of health and

happiness and joy ; indolence, of disease, debasement, and misery. Industry beckons the young along the pathway which leads to honor and preferment ; indolence diffuses in their midst poisons which rankle in the soul. Industry trips with elastic step upon its errand of usefulness, its face buoyant with hope ; indolence drags its slow length along, disguised in its unpaid-for garments, or seeking to conceal its deformity under its appropriate rags. Industry comes as a messenger of good ; indolence as the vicegerent of the evil one. And the industrious farmer labors with the guaranty of his Maker before him, that while the earth remaineth, seed-time and harvest, and cold and heat, and summer and winter, and day and night shall not cease.

In the diversified demands and necessities of civilized society, there must be a division of labor. Its best interests demand that all should not cultivate the earth. Some must minister in holy things, be devoted to the cure of souls, afford spiritual instruction to the inquiring, and consolation to the stricken and bereaved. Some must be masters of the healing art, and skilled in turning aside the insidious disease which is wont to prostrate us upon beds of sickness and death. Some must be learned in the law, that equal and exact justice may be dispensed to all, and that the strong do not oppress the weak. Some must be skilled in the mysterious intricacies of mechanism and machinery. Some must serve as mediums of exchange between interior towns and commercial ports, forwarding the productions of the farmer and bringing in return commodities for his consumption. These, and others which might be enumerated, are necessary and honorable callings ; but it has been the tendency of the times to produce more clergymen than congregations or churches, too many doctors for the horses they ride or for the patients who command their services ; more lawyers than fees for honorable litigations, and more merchants than can sell goods to paying customers.

That state of society is best which has the fewest non-producers, consistent with its legitimate demands, and the least number of systematic idlers. Idle, unemployed young men are among the most useless beings in creation,—a burden to themselves, a tax upon friends, a reproach to their race, and a nuisance to society, and industry is the only remedy for a disease so alarming and fatal. Nor are idle young women much better.

No household duties are well discharged, unless the mistress of the mansion at least understands them, and superintends, if she does not more actively participate in their execution. No young lady should believe herself degraded by discharging the offices which her honored mother never omitted, and which, in the ordinary course of events, must be cast upon her. Though the spinning-jenny has silenced the hum of the wheel, the power-loom abolished domestic manufacturers, and the sewing-machine is superseding the needle, yet woman's sphere of usefulness is ample and abundant, in diffusing comfort throughout her household, in bringing light and joy to the domestic hearth, in the practice of a sensible economy, and in discountenancing extravagance in dress and vulgar display and ostentation. From the days of Solomon to the present moment, all sensible men have appreciated and admired an industrious, true-hearted, and frugal woman, and in a corresponding degree have despised and distrusted the indolent, artificial imitation, made up by the mantua-makers and milliners, and employed in search of gossip and the latest fashions.

God created man for the stern, and woman for the delicate relations of life. He gave to man dominion over the physical elements, and to woman the empire of the heart; to man the implements of husbandry and the weapons of war, the helm of the ship and the lever of the engine, and fashioned his nature for the storm and strife and conflict;—to woman, the home and the affections, the accents of love and peace, the gentle hand to smooth the pillow of sickness, and wipe the death-damp from the fevered forehead, the guidance of the infant mind, as she teaches it to lisp its first little prayer, the spirit to purify and adorn by her kindly virtues the currents of social and domestic life.

The declaration that society in its appointments has degraded woman, is heard only in the unwomanly voices of such of her own sex as have mistaken restlessness for progress, and change for improvement; and hence they have entered upon a pilgrimage, in search of her lost rights, seeking indemnity for the past and security for the future, until all that is womanly has left them. She must claim the right to renounce the institution of marriage, and indulge free-love affinities, with all its debasing associations and suggestions; the right to sit as judge

upon the bench, that her babe at her bosom may act as *crier* of the court ; the right to play the soldier, that she may command cavalry as well as *infantry*, and silence the savage war-whoops by hoops scarcely less alarming ; the right to be a preacher, and give public as well as curtain lectures ; the right to be a stage-driver, that she may have the superintendence of the *mails* ; the right to be a farmer, that she may cut a wider swarth than her husband, and do her own *cradling* ; and above and beyond and beneath all, the right to dabble in the dirty pool of politics ; to distort her fair face in the excitement of election wrangles, neglect her household duties to attend all meetings called according to the usages of the party, run for office when she is designated as the *woman for the times*, learn to jostle her way to the polls and deposit her vote, and to give three cheers for the victorious. Neglect to prepare "the fire fair blazing and the vestment warm" for her absent husband, that she may help to kindle the flames of political strife and light up the torch of partisan victory. All political parties and sections and divisions and sub-divisions, and just now their name is legion, have one common redeeming excellence. They not only hold the good of the country in paramount esteem, but, like the individual detected in stealing half bushels, they declare their determination to go for *measures* and not *men*. But should woman-voting be legalized, there is reason to believe this salutary principle would be reversed by a portion of the electors, and *men* be preferred to measures.


But counterfeit woman, like base coin, only serves to give increased value to the true. Woman was not created to discharge the same duties assigned to man, but as an helpmeet for him ; and when basking in the divine light of a Saviour's love, she was not engaged in discussing the political rights and relations of Pilate and Herod in Jerusalem and Galilee, but, in fulfilment of her heaven-taught mission, she sat at the feet of her Redeemer, lingered at the cross when man faltered and fled ; when nature was convulsed, and the rocks were rent, and the graves of Judea were opened, and before that sun, which veiled his face, that he might not behold the agonies of the cross, had risen to gild another day, true to the holy instincts of her nature,

"Mary, to the Saviour's tomb,
Hastened, at the early dawn;
Spice she brought and rich perfume,
But the Lord she loved was gone."

Let woman find her exemplar here, and in the pure and peaceful of her sex, who, appreciating their sacred and interesting relations, and the vocation wherewith they are called by a wise Creator, have diffused their noiseless blessings around them, as gently as the dews of evening fall upon the grateful earth. Oh, in what pleasant contrast stand the virtuous mother, wife, sister, and daughter, in the discharge of their affectionate relations at the fireside of home, with the noisy, turbulent, disturbing, woman's right reformers, engaged in a crusade against society, because it is not in its dispensations as shameless as themselves.

If we trace back the mysterious history of man until it is lost amidst shadowy traditions,—if we invoke the teachings of inspiration, appeal to the experience of mankind, or thread the subtle deductions of philosophy, we shall learn that duty and enjoyment lie along the same pathway of his pilgrimage, and that if he would secure the one, he must, with a firm and fearless singleness of purpose, pursue the other. If it can only be said of man that he lived, ate, drank, slept, and died, his history will be but a humiliating epitomé of the brute creation, and in no respect superior; nor does it improve the picture to show that he accumulated, and hugged to his cold heart, and called his own, a large amount of material wealth. This may prove that he was a learned and acquisitive animal, but destitute of the true attributes of humanity.

The great and leading industrial pursuit of the masses must be AGRICULTURE. Its productions are essential to man's material existence and comfort. It is the foundation upon which the fabric of social order reposes. It is the Archimedean lever which moves the world. It controls all other pursuits and puts them up and down at pleasure. A virtuous, intelligent farmer has attained the highest estate of fallen man. The votaries of art, the devotees of pleasure, the learning of the professions, or the enterprises of commerce may assert a loftier ambition, and in the heyday of their success



may gain more thoughtless *éclat*, but none have realized the security and independence, the health and happiness which have rewarded and blessed the farmer.

Labor is the philosopher's stone. It transmutes all substances to gold. Its hand reared those huge monuments of tyranny over industry, the pyramids of Egypt. It subdues and fertilizes the earth, and gathers in its productions. It sweeps away the giant monsters of the forest. It brings down the crags of the loftiest mountains and fashions the fretwork of the most delicate ornament.

The young and inexperienced are prone to be misled by externals. They see the professional man, with his soft gloved hand, his unsoiled garments, and his apparent freedom from care, but they have not looked upon the other side of the picture more replete with instruction. They have seen the clergyman when his step was elastic, his form erect, his eye sparkling, and his tongue eloquent,—when admiring crowds thronged the sanctuary and hung upon his lip; but they have failed to remember that when, alas! that form is bowed with the infirmity of years, the step is faltering, the eye dim, and the lip tremulous, those who were then of his admirers, like the priest and the Levite, pass by upon the other side, and leave him in abject destitution, with a dependent family, and no home this side the grave.

They have failed to contemplate the case of the physician, who, after having spent a life by the bed of sickness, endeavoring with sleepless solicitude to turn aside the disease which, like the vulture of mythology, is tearing with remorseless fangs the vitals of his fellow-man, finds himself supplanted, and his skill derided by some new school of no-cure-no-pay pretenders: in surgery "natural bone-setters," and in physic, seventh sons of seventh sons, born with a veiled face, who cure all maladies, acute and chronic, by a decoction of herbs gathered in the dark of the moon, and stirred while seething by a bone from a catamount's leg; and in his turn, the man of learning is left in age without employment, income, or subsistence.

They have witnessed the forensic triumph of the able and eloquent lawyer, and heard the acclaim which greeted his successful efforts; but they have not been the companions of his

sleepless toil, nor experienced the painful solicitude which drinks up his very soul, nor felt the corroding care which burns upon his restless brain and throbs in every pulsation of his heart; nor have they remembered how few of the many devoted to this profession succeed respectably,—how pitiable and ludicrous an object is a poor lawyer, nor that, though the best may live well, it is the fate of their calling to labor hard and to die poor.

They have seen with admiring sympathy the name of the popular statesman borne upon every breeze for a brief and fitful season; but they have not looked behind upon the cold and desolate hearth he has left to chase the flitting phantom of a vain ambition; nor upon the neglected children of his body, whose moral, mental, and physical culture he has overlooked in the absorbing cheat of life; nor have they felt the poisoned arrows of detraction and injustice which are left to rankle in his bosom, by the malevolence of foes and the envy and treachery of false and faithless associates, until his heart, once so elate with hope, so buoyant with expectation, sickens and dies; and he, whose word might but yesterday "have stood against the world," is to-day so abject, that there "is none so poor as to do him reverence."

They have beheld the seductive glitter of military display, as its gilded plumes, untarnished by the realities of service, have nodded in the sunshine, as it swept along on the voluptuous swell of music, stirring the deep and rapid counter-currents of the popular heart; but they have not seen it in its every-day costume, in the tent and barrack,—in the far distant camp, cut off from all the enjoyments of social life, and the affections of the endearing fire-side; nor have they seen the subjects languishing and dying amidst the malaria of poisoned swamps, or writhing dismembered on the bloody battle-field, nor seen the blackness and desolation of war's sad history, when—

"With fire and sword they ranged around
The country far and wide,
And many a childling mother there
And new-born infant died;
But things like these you know must be
At every glorious victory."

Let, then, the adventurous young man look upon all this and receive instruction: forsake not the green fields, the broad acres, the lofty hills and pleasant vales, where health and hope and home and happiness beckon him to contentment and a glorious independence, for the ambitious but precarious rewards of the professions, the delusions of public station, or the thankless life of a soldier.

"If to the city speed, what waits him there?
To see profusion that he must not share;
To see ten thousand baleful arts combined
To pamper luxury and thin mankind;
To see each joy the sons of pleasure know,
Extorted by his fellow-creature's woe."

How elevated in the scale of rational being is our condition as a people! How unbounded is our field of usefulness! How spontaneous the elements of enjoyment! If, by self-culture and communion, we could attain that contentment of mind which is a continual feast, our cup of earthly felicity would be filled to the brim, and we should join in one common thanksgiving to Heaven for these manifold mercies and blessings. Our clime is genial and salubrious, our soil fertile and productive, our scenery delightful and attractive beyond comparison or description. No sickness wastes at noonday, no grinding taxation consumes our substance, no starved and shivering mendicants pass from door to door, craving a crust to appease their hunger; none languish in neglected want, but virtuous industry is amply rewarded, and health and joyous hope beam upon every countenance. If we could realize how choice are the privileges vouchsafed to us, we should instinctively exclaim,

"O Heaven, it is a goodly sight to see,
What God hath done for this delicious land,
What fruits of fragrance blush on every tree,
What goodly prospects o'er the hills expand."

But a few years since, at the close of a winter peculiar for its severity, as the last remnant of frost was yielding to the influences of a spring-tide sun, and ever and anon the capricious showers of April beckoned forward the hidden germs of vege-

tation, in passing along a street in one of our populous cities, I saw upon the margin of the sidewalk a soiled and ill-clad child, without covering for head or feet, picking up a dirty and crumpled spring flower, which had but half escaped destruction from the footsteps of passers by. A gleam of saddened joy struggled to light up the hard child-face of the little stranger, which told of an abode of neglect and intemperance and destitution, and perchance of crime, as she dragged the rich prize from the muddy side-path, and wended her way onward, bearing it in her unwashed hand. The crowd in swelling counter-currents rolled by unheeded and unheeding. There was avarice, with its rigid greed written in its pursed mouth and sharp metallic features, in search of its extortionate accumulations; there was thrift, with its busy, bustling air, hurrying along to meet its customary engagements; there was swollen intemperance and bloated debauch and abject beggary upon their respective errands; there were ministers, in the robes of their sacred office, on their way to console the dying, or to perform the last mournful rights over the remains of the departed; there were criminals and players, and venders of trifles, and singers and dancers, and organ-grinders, shuffling along together, but none saw, or thought of, or cared for the poor child and her flower, from which I was instinctively solving a great social problem. Alas! said I, how has man perverted the choicest gifts of heaven. How apt an emblem of herself is that ruined flower, which she clasps in her hand with childish tenacity. Both bear the beauteous impress of a beneficent Creator, and both have been crushed and deformed and despoiled under the rude and thoughtless foot of man. Oh, would to heaven that some gentle guiding hand could transplant that little immortal being, in whose bosom, perchance, there throbs as pure a heart as ever animated childhood, from the dark and filthy abode of the hidden alley to the green fields, the shady groves, the gentle slopes, and meandering streams of Chenango's happy valley, where heaven's sunlight cannot be shut from the cottage of the poor; where birds sing, bees hum, and flowers bloom, and all nature is redolent of beauty; from the vile haunts of intemperance, debauchery, and crime, to the happy home, to the fireside, the school-house, the church; from where she is led in the down-

ward pathway of perdition, to where some kind spirit shall guide her little footsteps along the paths of peace and virtue, and point her to that land where flowers bloom in perennial loveliness—where no rude footsteps intrude—where the bright eye of childhood never fades—where its young spirit-life is neither bowed nor broken—where the hope of its gushing heart is crowned by eternal fruition, and where there shall be no sin nor sorrow forever!

The great aim and object of man, as a member of a civilized society, is happiness, and his efforts will usually be directed to an end which he believes best calculated to produce it. The higher, therefore, the order of intelligence which guides, and the more complete and perfect the refinement, the more successful will be the progress in the desired direction. The farmer should cultivate his mind as industriously and carefully as he does his acres. This is an age of practical, and not mere theoretical progress—not of slow and measured tread by cycles of human life, nor ages and generations of men, but of seven-league strides and gigantic leaps from the past to the future. The recent progress in physical science has overturned the entire order of things, material, moral, and social; it has, like the foretold beast, changed times and seasons. By the omnipotence of its inherent forces, it has abolished life-long systems, and inaugurated economies suited to the demands of its own peculiar exigencies.

But a few years since it required ten days' time to visit the commercial emporium from the Chenango valley, transact business, and return. The same can now be performed in two days. One week was a brief period for communicating there by written message and receiving an answer. Now, by the aid of the telegraph, if it exceeds an hour it transcends our patience. It required weeks to send forward produce, or to receive goods ordered. These can now be accomplished in as many days, and our means of transatlantic communication have progressed in the same ratio. These improved methods of transit demand a corresponding adaptation by all transacting business, and especially the producer. He respires a more rarefied atmosphere, and will find his lungs inflated accordingly. He cannot remain stationary while all are in rapid motion around him, or if he does, will stand like the silly coun-

tryman, who lingered upon the banks of a river waiting for it to discharge its waters, that he might pass over its bed in safety.

The new dispensation has cancelled old requirements and created new ones. It has laid the axe at the root of long unhealthy credits and over-reaching profits, and given instead increased competition, low prices, and ready payments. It is fast inculcating the benefits of that philosopher's stone, the pay-as-you-go system, and the bitter curse of overshadowing debt. When, inquires an anxious candidate for information, shall we have better times; and when will money be more plenty? The true answer is, the moment we earn and deserve them; when we produce more than we consume, and sell more than we purchase. There is no mystery about it requiring solution. No one can borrow himself out of debt at the lowest rates of interest, nor prosper without earning, unless he has capital earning for him. But so long as there is a demand in the markets of the world for earth's productions, so long will the producing country, in a pecuniary relation, have just such times as it earns and deserves.

If, as a nation, we purchase from abroad more than we export, we shall be in debt; the balance of trade will be against us, and our specie will be drawn to pay it. The banker, with the flush of circulation, will become alarmed, will decline discounts and press collections, and we shall have, as we ought to have, hard times, because we have consumed more than we have produced. If we send forward, in the aggregate, more cotton, corn, flour, beef, pork, and other productions than we purchase goods, the balance of trade will be with us as a nation, we shall draw from specie abroad, and shall have, as we shall deserve to have, *good times*, and money will be plenty. The same rules will apply to sections of our confederacy in their internal trade, to separate States and communities, and to individuals. All the countless treasures of California and Australia combined are of no advantage to the nation, state, community, or individual who have nothing to give in exchange. They go to consummate the rewards of industry. Those who purchase more than they sell cannot retain capital; those who sell more than they purchase cannot well keep it away. The laws of trade are as sure as the laws of gravita-

tion, and as unalterable as the boasted edicts of the Medes and Persians. In obedience to these laws, *money*, like *water*, seeks its level, and you may as well expect Niagara to flow *up* instead of *down* that awful chasm as to expect that an individual or a community will be at ease in their pecuniary possessions who purchase and consume more than they produce and sell.

The phrase "hard times," as generally applied, was invented to cover our short-comings, and to conceal indolence and extravagance. When the seasons are ordinarily productive, the *only hard times* we have, as a people, are the natural and legitimate fruits of fashionable follies and vices. There are many cases of hardship, toil, and suffering, especially in the new settlements, to which these general and sweeping remarks are inapplicable: where the farmer with slender means is struggling to clear and fence and cultivate and pay for his farm, to rear and educate and protect a growing family; when his expectations are blasted by an untimely frost, a short crop or a depression in the market, or when his energies are crippled or his means exhausted by sickness. But these are mere exceptions, which go to establish the force of the general rule.

The farmer who pays, or agrees to pay, to the merchant, mechanic, and others, in the aggregate, an amount exceeding the sales of his surplus produce, will, at the close of the year, find himself in debt, and it *will be hard times with him in earnest*. The farmer who produces beyond his consumption, and sells more in amount than he purchases, will *realize good times*, and, like the family of the Kilmansega, will have

"Gold to lay, and gold to spend,
Gold to give, and gold to lend."

and have attained the very "Pike's Peak" of pecuniary success. A homely but significant fable, in illustrating industry and indolence, tells of a grasshopper, which at the commencement of winter called upon the squirrel for provisions. The squirrel answered that he had only provided for himself, and inquired of the grasshopper why he had not laid in his winter store, and how he had spent the summer? The grasshopper replied that he had spent the summer in singing. "Then," said the squirrel, "you may spend the winter in dancing."

Corn is and should be in the Northern States one of our most reliable staples, and as a specimen it should be stated that, in the last fiscal year but one, our exportations of that grain amounted to but six millions of dollars; and even that literally vanished in smoke, for we imported the same amount in cigars, and puffed them away at our leisure. Our silk trade, like the dresses it furnishes, has within a few years expanded in a fourfold proportion, and must be paid for in specie or its equivalent, together with other importations to a startling amount; and if we would enjoy prosperity, security, or repose in our monetary affairs; if we would avoid rising one day to the very skies on the inflated foamy waves of delusive success, and the next being dashed down upon the shoals of disappointment, we should beware of a balance of trade against us. If we do not practise upon this idea as a people, no course of legislation, State or federal, with all the panaceas prescribed by political doctors, can arrest our downward tendency, nor can all the banks and borrowing systems ever invented since the days of John Law save us from spasmodic inflations and depressions.

Banks are useful as mediums of exchange—to furnish facilities for moving forward productions to their market, and to aid temporary exigencies. But when relied upon for permanent relief, they aggravate the evil it is sought to remedy; and to depend upon them for such purposes, would be like filling your boots with warm water, to preserve the feet from cold during a January sleigh-ride. All the wealth of ancient and modern times combined must be useless to the non-producer. The untold treasures of the ocean, if they could be gathered in; the gold of Sacramento, Nevada, Australia, and ancient Ophir; the tin of Thule, the spices of Arabia, and the silks of Cashmere, would have been and will be forever beyond the reach of all who cannot unlock the storehouse where they are secured with the key of industry.

This great problem in political economy and a nation's wealth is becoming *every day* more familiar to popular comprehension, and has been most triumphantly and successfully solved in the groaning American granaries of 1859; and for the current fiscal year, while our imports may reach the enormous amount of three hundred and ninety millions, our ex-

ports cannot well be less than four hundred millions ; and when we add to this sum the increased value of our products at foreign ports and the cost of carriage, which should be done to show what it truly is, we present a prosperous state of international trade and a thrifty balance in our favor.

In our hurried progress as a people, commercial enterprise and the moral forces have kept pace with our physical advancement. The ports of China and Japan, so long enveloped in an impenetrable mystery, are yielding by degrees the immensity of their treasures to the contributions of an enlightened commerce. The theories of Confucius, through the inductive process, are giving place to the mild and gentle precepts of the Saviour of men ; the blasphemous rites, obscene orgies, and disgusting mummeries of Paganism are displaced before the holy lights of Christianity, and the Pantheon of mythology has been converted to a temple for invocations to the living God. Ignorance and barbarism are upon the great turn-table of the nineteenth century, and are already making prosperous headway upon the track of civilization and Christian progress.

Animated by the spirit of the times, and inspired by the promise of a generous fruition, may not the people of the first State in this brilliant constellation of patriotic hope interpose her potential example of advancement in industry, frugality, and virtue, in rational liberty and the best interests of humanity—of advancement in that spirit which scorns the accumulation of material wealth to satiate the greedy cravings of avarice or corrupt with its vulgar display ; of advancement in that temperance which would bring back from its wanderings every lamb of God's extended fold, and shield it from temptation and save it from destruction ; of advancement in the best instincts of man's nature and the most genial impulses of the heart, until all the jarring discords of earth shall be blended in heavenly harmonies. There are none past hope. The law of love may reclaim the most erring. Even animals, savage or tame, yield to and obey the law of kindness.

“There is no grove on earth's broad chart
But has some bird to cheer it ;
And hope sings on in every heart,
Although we may not hear it.”

If industry, frugality, and temperance were universal, and all directed their efforts with a fair intelligence, labor would be a mere pastime, and one scene of unbounded prosperity would surround us. No standard of perfection can be attained in its pursuit; but the causes which depress labor may be mitigated by inculcating the lesson by both precept and example, that its pursuit is elevated and honorable and that indolence and its attendants are demoralizing and disgraceful.

A celebrated writer has delineated with stirring eloquence the vast benefits which might have been conferred upon mankind, if the money spent in desolating wars had been expended in cultivating the arts of peace; and has shown the wonderful works it would have accomplished. But give me the energies wasted by ignorance in misdirected effort, the time squandered in vicious indolence, and the money paid for intemperate indulgence, and I will work out mightier problems still. I will literally cause the wilderness to bud and blossom like the rose. Every field shall be a finished garden, every woodland a grove of beauty, every hillside a lawn, every dwelling shall be replete with comfort and convenience, every system of pauperage shall be abolished; all shall be warmed and fed and clothed, where there is enough and to spare, and poverty, want and crime and destitution shall be unknown. The school-house shall greet you where the green lane meets the highway; the academy and college shall be endowed wherever demanded by interest or convenience; and the church spire, stretching away to the very clouds at every village, shall tell of refinement and religion, and of a people who have devoted the best energies of life to ameliorate the condition of their kind and to consecrate the rising generation to virtue and to knowledge.

Wasted efforts, grovelling indolence, and debasing intemperance, may be corrected by inculcating a higher order of intelligence, until the head shall teach the hand that economy of life which was designed by nature. But we cannot correct the short-comings of individuals while society countenances systems so fundamentally vicious, for fashion covers more sins than charity. We cannot persuade one to abstain from vices which all practise, or at least tolerate. We cannot successfully wrestle with the man, while we omit to correct the false senti-

ment of the mass. We must not expect to cleanse the stream without purifying the fountain.

Indolence and intemperance are as intimately blended as soul and body—"more fondly linked than wedded pair." They have, from the earliest history of man, labored together in the terrible work of his desolation. If the teardrops which intemperance has occasioned, could be gathered in one vast ocean, it would float as upon flood-tide all the navies of the world. Like the infuriated Hyder Ali upon the Carnatic, it leaves only blackness and ashes in its desolate pathway, and as it prostrates in its withering course the young and noble and manly, the mourning parent exclaims with the stricken patriarch, "we have ye bereaved of my children : Joseph is not and Simeon is not, and ye will take away Benjamin also."

But we cannot blot out every chapter in the records of human frailty, nor pluck all roots of sorrow from the garden of the world, and can only inculcate lessons of purity and peace, and break asunder the fetters which ignorance and passion have forged for the immortal mind.

As a people, and as individuals, we have every motive set before us which can influence human action to persevere in the course of virtuous industry. In contrast with our condition as a people, let us look athwart the ocean upon the toiling, bleeding, starving masses of Europe, but recently emerged from a conflict of blood, where hecatombs of human victims, to serve the mad ambition of despotism, have been sacrificed to the fierce god of war ; a war not waged in defence or in pursuit of liberty—to cast off the oppressor's chains, or give freedom to man—but a war denounced and prosecuted to preserve the execrable balance of king-craft—to save tottering and unsteady thrones—to prop and keep from decay moth-eaten monarchies, which are too weak to stand alone, but, like inebriates who support each other, if one should fall, all will go down ; to conceal the dry-rot which pervades their system, arrest the progress of mildew, and cheat the grave of despotism and usurpation of its corruption a little longer. The war of the Revolution was waged to strike off the fetters of tyranny and transatlantic oppression, and advance the cause of liberty and humanity ; but these wars are prosecuted to forge new links in the chain with which power has manacled the limbs of labor, that its hands

may be forced to gild the wheels of the chariot which are to be driven over its neck. Alas, how many hapless beings has this brief but terrible war cut off with violence, butchery, and blood! In prosecuting the arts of peace, how many forests they might have felled—how many rugged hillsides could they have subdued—how many plains could they have fertilized—how many happy homes would their protection have cheered and blessed! And when the wail of the widow, which that war has made, has reached the judgment-seat, and the countless array of orphans shall raise their hands in testimony against those who have bereaved them, who shall atone before high Heaven for the untimely slaughter which heartless ambition has visited upon mankind?

Turn we again from this melancholy picture to our own dear land, which knows no sovereign but the Sovereign of the skies—which acknowledges no ruler but the Ruler of the universe—which invokes no protection but the protection of Him, who notes as well the fall of a sparrow as the dissolution of an empire.

Look along Chenango's smiling vale in all its wide-spread beauty. Look up its gentle hill-slopes, where they mingle their living green with the golden sunlight, in ever delighting, ever varying interest. Look abroad on its fertile fields, teeming with the richest productions of earth, under the well-directed industry of man. See the cattle upon a thousand hills, ministering to his necessity, comfort, and convenience. Cast your eye upon its silver streams, which steal in noiseless currents to their ocean bosom, like a human soul to its eternal rest. See yonder forest already displaying its variegated hues of gold and purple, and rivalling the rainbow's pencillings in the changing verdure of autumn. Contemplate these abodes of comfort, these gathering-places of affection, these holy homes, these nurseries of human beings, where, according to poetic conceit, though man fell, and all else was lost, in the plentitude of mercy Satan was not permitted to enter uninvited. Whence these sacred temples, these schools for primary instruction, these elements of subsistence and enjoyment? When I see this multitude of joyous, happy faces, which have assembled to pay their festive devotions to the triumph of industry, my heart exclaims,

"O blest retirement, friend of life's decline,
Retreat from cares which never must be mine,
How blest is he who crowns in shades like these
A life of labor with an age of ease."

Let us then improve the blessing set before us, that we may render a faithful account of our stewardship. Let us cultivate the earth, for it will return abundant compensation; cultivate a spirit of contentment, for it will give a continual feast; cultivate a spirit of charity, for it is more blessed to give than to receive; cultivate a spirit of temperance, for in after life it will send forth glad and gushing well-springs; cultivate a spirit of friendship, of good neighborhood, and of brotherly love, that peace and prosperity may dwell within our gates.

Our fathers furnished an example worthy of our noblest emulation. By peril, self-denial, sickness, and the hardships of pioneer and border life, they penetrated the forest while yet it was the home of the savage, scared the beast of prey from his lair, and carved out, by the iron will of stern and manly hearts, and the energy of strong arms, the rich heritage of social and material blessings which we this day enjoy with profusion.

"Oft did the harvest to their sickle yield,
Their furrow oft the stubborn glebe has broke.
How jocund did they drive their teams afield,
How bowed the woods beneath their sturdy stroke."

"Let not ambition mock their useful toil,
Their homely joys, or destiny obscure,
Nor grandeur hear, with a disdainful smile,
The short and simple annals of the poor."

By the holy memories which cluster around the venerated dead, by the tender ties of domestic and filial love, by all the recollections which can solemnize and rectify the heart, by the mounds which mark the resting-place of their consecrated ashes, let us prove ourselves worthy children of such patriotic sires: in fostering the pursuits they loved, in upholding the institutions they founded, in maintaining the stern virtues they practised, and in preserving the priceless legacy of industry and frugality, of morality and religion, of contentment and

social order, which they bequeathed to us ; remembering that we are all brethren of the same household, wending our way together to a common and a final home. May then our skies be bright and joyous, our sunshine genial, our hopes buoyant and our hearts thankful, that we may bless and cheer each other by the way.

More than half a century since, a little boy, led by the hand of an elder brother, as a member of his father's family, found an humble home in Chenango but a few miles distant from this place. The inhabitants were sparse, and but here and there a tenement of logs broke the monotony of dense and tangled forests. The wild deer browsed in every thicket, the panther crouched for his prey, and the wolf howled nightly around the dwelling. Here he gathered nature's fruits and flowers, learned to love the song of the wild bird, to pursue the game, and to gaze with childish delight upon nature's unbroken scenery ; to range along its winding streamlets, to climb its romantic hill-sides, to mingle in the rustic sports of the time and neighborhood, and to wield the implements of husbandry in aiding to procure subsistence. He saw its first school-houses and churches rise up in the wilderness, its brave sons march to the defence of the frontier in 1812. And here he grew up to manhood, and went out upon the mission of life to conquer in its battles or be driven from its field. But when he went out, he went out forever. That same child-boy of the early settlement has never returned. That buoyant spirit and heart which knew neither sorrow nor bereavement, but was joyous as the wood-bird's song, must still range in some fairy land of flowers and spring life, where a brighter sunshine gilds the unseen hill-tops and the glad eye of childhood sparkles forever ! He that was once that boy has returned, but it is not the same. " A change has come over the spirit of his dream." The golden ringlets of boyhood, which were tossed in the morning breeze, are now whitened by the frosts of life's approaching winter, and the ruddy brow of youth is blanched with thought and care and grief. Great are the changes which his eventful life has experienced. Dark and deep are the waves which have rolled in painful succession over life's sea of sorrow. He has reared children, and committed their remains to the kindred dust. He has been called away from the

scenes of his early years, and has stood in the forum and in senates with the great and honored of the land; but he has remembered his humble home, and his rustic occupations, and his associates, and the pursuits to which he was endeared, and the rural scenes that he loved "as only boyhood can," and all the lights and shadows which chequer the pathway of the young.

But time has ploughed her furrows, and sowed her seeds, and gathered in her harvests, and all has changed. Herds low and flocks bleat where the wolf howled and the bear roamed, the dark forest has given place to the extended meadow, and the church has risen upon the Indian wigwam, and the school-house upon the rude cabin of the hunter. The aged men, into whose faces he peered with childish curiosity, long since passed away. Those who were then of the middle age sleep with their fathers; of those who set out with him upon the journey of life, on its cloudless morning, death has the majority; and the graveyard which he saw opened in the brushwood for the remains of a little child, is now tenanted by thousands. The schoolmaster has dismissed his noisy flock and lain down to rest forever, and the scholars are scattered from the rising to the setting sun; the good old parson, who preached occasionally at the little school-house at the cross-roads, has pronounced his last benediction and gone to his rewards; and the deacon meeting, which came with all the certainty of the returning Sabbath, with its sun-burned farmers and sturdy woodsmen, and their plain-clad wives and children, has ceased to assemble. Those who made the prayer, and set the psalm, and read the sermon, now worship above, and the music of that voice whose strains rose to heaven in the choir has died away upon earth and is attuned to the harps of angels in Paradise.

The lowly tenement in which he was reared through storm and sunshine has yielded to a more ambitious structure; a strange watch-dog heralds his appearance, and unknown forms are at the door and around the fireside, and strange faces are at the window, and unfamiliar voices there hold converse together. The parents who nurtured him with a solicitude known only to a parent have bowed their sainted heads in the dust, and their holy ashes rest upon the hill-side near the little church where they loved to worship God, "far from the mad-'ning crowd's ignoble strife."

Yes, the same boy returns again, but it is when

"Sleep hath its own world,
And a wide realm of wild reality,
And dreams in their development have breath
And tears and tortures and a touch of joy :

* * * * *

And make us what we are not—what they will,
And shake us with the vision that's gone by."

There, clad in the same rustic garb, he ranges along Chenango's streams again; he gathers the flowers of spring, the fruits of summer, and the nuts of autumn; he clammers up the familiar hill-side, and quenches his thirst at the spring which bubbles beneath the old rock by the clump of trees. He pursues the wild bird and the squirrel, and springs the rabbit and the partridge, and, returning, performs his round of accustomed duties, and sits down with the group of loved ones to the family repast. When night closes down, he is called to "share in childish prayer and join in evening hymn;" he sleeps that sleep which is given only to the young amidst rural scenes, and returns to his favorite sports and occupations, and knows no sorrow. But he is far off in the dreamland! Alas! the spirit of his boyhood has flown away forever with the birds that cheered it, and he awakes to the countless cares and realities of the life to which destiny consigned him!

All that is Chenango is dear to me: its configuration, its hills and valleys, its institutions, and its people. Its beauty was an early vision of childhood, and the solace of maturer years. Its beloved valley is my home. My life march has kept pace with the soul-stirring music of its woods and its mountain streams. Its wild, captivating scenery fashioned my nature, and made me love the rural retreat more than to worship with crowds or bask in the favor of courts. Chenango! I love thee as the cradle where I was nurtured, as the home of my childhood and youth, and the harbor from whence I launched my frail bark upon the great and troubled ocean of man's toils and trials; for the affection I bear thy living, for the green graves and holy memories of thy venerated dead. Yes, thou watchful mother of my capricious childhood I love thee still!

"In all my journeyings round this world of care,
In all my griefs—and heaven has given my share—
I still had hopes, my latest hours to crown,
Amidst its humble bowers to lay me down—
To husband out life's taper at the close,
And keep the flame from wasting by repose.
I still had hope, for hope attends us still,
Amidst the swains to show my book-learned skill,
Around my fire an evening group to draw,
And tell of all I felt, and all I saw.
And as a hare whom hounds and horns pursue,
Pants to the place from whence at first he flew,
I still had hopes—my long vexations past—
Here to return, and die at home at last."

SPEECH

DELIVERED AT A GRAND RATIFICATION MEETING OF THE DEMOCRATIC PARTY, HELD AT ST. JAMES HALL, BUFFALO, October 20, 1859.

MR. PRESIDENT AND FELLOW-CITIZENS—The legitimate consideration of our political condition, by assembling together and comparing opinions, is a high duty and a proud privilege. It awakens popular attention to concerns of deep public moment, too generally neglected, and learns the inquiring mind to think for itself, and to rise above the narrow conceits of mere partisan rallying-words, designations, and pretensions. Its tendency is to educate the masses in public affairs, and make the government what it should be, a government of the people, and not of politicians; a government of the many, and not of the few, and to hold public servants to a rigid accountability before a well-informed constituency. When political gatherings, meetings, or conventions are so conducted as to elevate and liberalize the mind and to mitigate partisan prejudice, spleen, and rancor, they render a high public service; when they have no worthier aims than inculcating error and stimulating passion for a temporary advantage, they would be "more honored in the breach than in the observance."

There are, and always will be, in our political system two great parties, and two only; for all others must be mere temporary off-shoots. One of these will be the party of the people and of the Constitution, and the other will be of miscellaneous formation, acting under a roving commission, as impelled by immediate circumstances. In this address I shall treat of parties entirely as such; of the pretensions they advance, the professions they make, and the works they accomplish.

The Democratic party is a party of the people ; its name is no unmeaning designation ; its power reposes with the masses. It is the great antagonism of privilege and combination, and the friend of political equality ; it lives, and moves, and has its being wherever strong sinews grasp their implements, and warm and generous hearts pulsate. It is a party of to-day as well as to-morrow, and forever ; it takes counsel of the experience of the past, but seeks to redress the grievances of the present, and provide against the abuses of the future. Like a great army it marches forward to its destination, leaving none but those who suffer and sicken on the way for lack of promotion, who are wounded by neglected expectation, or die by suicide from disappointed hope ; and the places of all such are supplied from new enlistments from the young and healthy and vigorous, and from the mature, who are won by the justice of its cause. Like all armies it must have its camp followers and laggards and prophetic Cassandras ; but, while they are more expensive than ornamental or useful, they neither retard its progress, control its movements, nor sway its principles. Its mission is to, and its care for the living. It has no time to mourn over the grave of dead and buried issues ; to redress personal griefs ; to stand as arbiter between the conflicting claims of rival leaders ; no strength to waste upon the aspirations of personal ambition, nor sympathy to expend upon individual controversies for position. Its solicitude is for the many, and not the few ; for the people, and not for politicians ; for masses, and not for individuals ; for principles, and not for men.

The great chart of Democracy may be read in the Declaration of Independence ; its guiding star is the Constitution ; its strong and radical analysis exposes and casts off error, and its grand and majestic conservatism forms a barrier against which the waves of falsehood and fanaticism may dash in vain for ages. Its "irrepressible conflict" is a conflict for freedom, equality, and the rights of man, against falsehood, favoritism, and privilege ; for complete equality of political rights between persons, and for that equality of right between sovereign States which the spirit of the compact suggested and the provisions of the Constitution guaranteed ; an equality of rights to be asserted in theory and maintained in practice ; to be

read in the letter and enforced in the spirit, without technical evasions or mental reservation, and embracing persons, property, and political rights. Its "irrepressible conflict" is with the destructive who would break down the barriers of the Constitution, erected for the common guidance and protection, that he might array people against people, brother against brother, State against State, in a war of extermination, even to battles of blood, over an institution recognized by the guaranties of the Constitution, which unites all in a common bond. Its "irrepressible conflict" is with the spurious philanthropist, whose confused dreams of social progress have turned him from the pathway of justice and sound reason, to disturb the public peace by officious and, offensive intervention in the domestic concerns of other States. Its "irrepressible conflict" is with that weird fanaticism which, with its one idea, would destroy the confederacy, *free* States and slave States together, with their institutions of religion, charity, and learning, in one common conflagration, that it might abolish forever domestic servitude by violence. Its "irrepressible conflict" is with honest error, which, misled by glozing pretension, endeavors to work out visionary reformatations by a process replete with mischief and injustice.

The only "irrepressible conflict" which Democracy would wage between the States of this Union is a conflict of generous rivalry in the performance of fraternal duties; in observing and obeying the obligations enjoined by the Constitution; in securing to each other, with alacrity, every constitutional right; in strengthening the ties and brightening the chains which bind them together, and in making numerous free, sovereign, equal, and independent States one, in sentiment, friendship, and kindly regard. Any other "irrepressible" or aggressive "conflict" between the States, or the people thereof, with a view to absorb or change or exterminate the institutions of each other, or interfere with or deny their protection and enjoyment, must be a conflict hatched by the incubations of treason, to end in estrangement, sectional strife, bloodshed, and disunion.

Every great measure of the government, financial or territorial, foreign or domestic—from the purchase of Louisiana to the acquisition of California; from 1800 to 1859—has been the

fruit of democratic policy against the heated and unyielding resistance of the opposition; and every important issue raised before the people has been decided with the democracy, and its wisdom has been sanctioned by the results of time, trial, and experience. Such is the democratic party; such its principles, its purposes, its mission. It will, so long as it has existence, sustain the cause of popular rights and vindicate the supremacy of the Constitution; and when, if ever, it falls, the last hope of free government will fall with it.

The opposition party, whose name has been as changeable as the expedients to which it resorts as an apology for principles; taking color, like the chameleon, from the object on which it rests; without popular power or fixed principles, seems to have been contrived to give steadiness of movement to the democratic party and retard its action, as a heavy weight called a "balance-wheel" is attached to machinery. A lineal descendant of the old federal party, it inherited little but its intolerance and its vices; and in dissolving the late whig party and bidding for the malcontents of democracy, it threw off its only redeeming characteristics, its best ability, and its conservatism. Professing supreme regard for the purity of legislation, it has made the State capitol the smoking, reeking sweat-pit of a corrupt and shameless lobby; the guardian of State debt and State honor, it has swollen the public debt to about forty millions, and failed to provide for the payment of accruing interest; the protector of labor, it has burdened it with unnecessary and oppressive taxation for more than questionable objects; the friend of free suffrage, it has erected difficult and burdensome, expensive and unconstitutional barriers between the voter and the ballot-box, under the pretence of a registry law, to deprive him of a freeman's privilege or greatly embarrass its exercise, and has uniformly thrown impediments in the way of the naturalization of foreigners. Boasting a creed of universal application wherever Christianity and civilization have travelled, its aliment is sectional disturbance; and so pernicious its purposes, so fugitive its character, that it finds neither "local habitation nor a name" in nearly one half the States of the Union. The champion of law, it deposes judges of its own party who declare it from the bench; and while profanely swearing allegiance to

the constitution, it defies its provisions, resists their enforcement, and seeks to wage a war of "irrepressible conflict" between sovereign States of a common Union, and between children of the same heritage, until all shall be free or all slave States. It mourns as one without hope over the woes of the colored man, and excludes him by law from new States when it has the power, upon the idea of the sarcastic abolition poet, that

"It's well enough agin a king
To draw resolves and triggers,
But Liberty's a kind o' thing
That don't agree with niggers."

Destructiveness is written upon every feature of its phrenology, and its constructive power is confined to the creation of debt, the erection of registry laws, and kindred abuses. In addressing the masses, it seeks to inflame the passions rather than appeal to their reason; to excite prejudice, rather than awaken the understanding; to seize upon the clap-traps of the moment instead of inculcating wholesome and permanent principles. It has placed its candidates in nomination to carry out and perpetuate its policy. However worthy they may be as individuals, they are, to a man, representatives of the debt-contracting, tax-levying, and registry-making party in State affairs, and of the irrepressible conflict in the Union; and it would be as absurd to expect the doctrines of enlightened Christianity from a howling dervish as to look to them for a safe, sound, and prudent policy in domestic concerns, or the observance of the federal constitution in matters concerning the confederacy.

Fortunately it has grafted few of its pernicious heresies upon the country. If its policy had been adopted, our boundaries would have been limited to the old thirteen States and our northwestern Territories. The Mississippi and its vast and fertile valley would have been in the hands of a foreign and hostile power; the second war of independence would never have been fought; we should now be living under the reign of a United States bank and a high protective tariff; we should never have acquired Florida, nor Texas, nor California, nor New Mexico; and could it now gain control, the North-

ern and Southern States would be driven to an "irrepressible conflict" with each other, until all should become free or all slave States—until one half the States of the Union should be forced to bow in servile submission to the other!

That we may enjoy a foretaste of the moral and political beauties of the "irrepressible conflict," we have but to read of the insurrection, revolt, and murder, where it has recently been ushered in at Harper's Ferry—the legitimate, necessary, and terrible fruits of such evil and industrious sowing. From its course of legislation, one would suppose its members had read the constitution as carelessly as certain members of Congress are said to have read theology, or in the place of the constitution "Living Made Easy," or "John Law on Banking." It is related of two members of Congress that in a social moment each boasted over the other of his early advantages, and especially of his religious education; when one laid a wager that the other could not accurately repeat the Lord's prayer. The bet was taken, and the money put up, and he who was to recite commenced—

"Now I lay me down to sleep,
I pray the Lord my soul to keep.
If I should die ——"

"Stop! stop!" said the other, "you need not go through. I give up the money. *I had no idea you knew it.*"

The people of the first State in the confederacy have been long enough withdrawn from the redress of domestic abuses to the consideration of subjects abroad, to return for a season to the embarrassed concerns of their own noble Empire. It was the old democratic policy to pay as you go. "Republican" rule has repudiated the paying system, and the following are the fruits of its policy.

The public debt and the financial condition of the State is substantially as follows:

Old Canal Debt.....	\$11,763,098 99
General Debt, funded.....	6,505,654 37
New Canal Debt.....	12,000,000 00
Miscellaneous Debt.....	1,612,585 49
Floating Debt.....	8,000,000 00
Total.....	\$34,783,388 85

The Yearly Interest on this Debt is about....	\$2,000,000 00
The Net Resources of the State about.....	1,000,000 00
Leaving a deficiency of \$1,000,000 00, every year, in paying interest alone. All the residue of principal and interest, beyond the annual revenues, must be paid by direct taxation.	
Besides, the Taxes imposed by the last Legislature were in amount.....	\$3,500,000 00
Taxes to be submitted for approval at the coming election.....	2,500,000 00
Leaving still payments postponed and unprovided for.....	1,000,000 00

These items, it will be seen, swell the public debt above \$40,000,000, to be levied upon the land and labor and capital of the people of the Empire State.

The State is now in somewhat the same condition financially as the celebrated Barney W. of Albany, now no more—peace to his ashes! Barney was a character, if not an institution. He was a politician of the Peter Brush school, wanting something to *have* rather than something to *do*, and, being a patriot as well as a politician, he was willing to receive it from any party in power at the time. But advancing age checked his activity and usefulness; republicans as well as republics proved ungrateful; and Barney began by degrees to yield to the spirit of the times, and to exhibit in his external man unmistakable evidences of seediness. Upon one occasion there was a religious revival, especially among people of the Methodist persuasion, and Barney, in one of his evening jaunts around the city, saw the doors of their church open and the building cheerfully lighted and looking warm and comfortable, and, with his hands thrust deep in his bare pockets, he walked composedly in and took the only vacant seat he saw, and there sat with rigid gravity. It proved to be the *anxious* seat, though Barney was more anxious for his *temporal* than *spiritual* condition. The uncharitable had long regarded Barney as a reprobate of the first water, and now to see him upon the anxious seat of sinners in a revival meeting was hailed by the good and zealous people there assembled with almost a delirium of joy. Brothers and sisters knelt around him, and prayed long

and fervently for his conversion, and the pious clergyman, joining in the enthusiasm, approached him and cried out, "Brother Whipple, do you feel any change? Brother Whipple, do you feel any change?" At which Barney thrust his hands yet deeper into the tenantless pockets of his pantaloons, and replied with stoical composure, "Not one red cent!"

Such is the party sarcastically self-christened "Republican;" such its lack of principles; such its aims and objects, its pursuits and purposes. Its only popular star is power, which it will gain to the country's cost, unless the democracy does its whole duty. Its uses will be to admonish the democracy of their mission and their noble principles. Its existence in some form, and under some name, will be coeval with the existence of democracy; but it will bear the same relation to democracy that error does to truth, and rival entomology in the changes it will experience, from the egg, deposited by its dying parent, and the creeping larvæ, to the gaudy-winged butterfly in the full tide of the summer sunshine.

Since the country and the constitution must repose for safety upon the democratic party, the members of which are scattered over the vast area stretching from the St. John to the Pacific, and from the St. Croix to the Rio Grande, they must, if they would succeed, listen to a common watchword, be moved by a common impulse, aim at a common object, and march in solid column to its attainment. The opposition, being assailants, can act as guerrillas and carry on a miscellaneous and predatory warfare effectually and successfully, if they find the democracy divided. They are in cities and villages, and at the cross-roads, and are always ready to assail democratic principles, and can work better without organization than with. If they succeed, they gain all, for they only seek the overthrow of the democratic party for station and forage; if defeated, they lose nothing, for they have nothing to sustain but their own political necessities and desires. The union of the democratic masses of the party is now complete, beyond the power of faction to tear open its wounds. For this union, since there ceased to be a difference in principle, I have zealously and faithfully labored with the best faculties of my nature; and now that its consummation is sealed, I am content. If there are any who would still grope in the cold ashes of a burned-out controversy, to see

if there are yet some embers which can be fanned into flame; or who refuse to recognize the entire union of the party, in a crisis so interesting, as more important than the names of agents or the modes of their election; or whose tastes or resentments lead them into the field of denunciation, open or covert, let them by all means be indulged by significant silence. It is a moderate tax for the attainment of so great an object, and one which a united democracy, or individuals assailed, can well afford to pay. For one, I have been accustomed to act responsibly, and find it no inconvenience. I have done so when sustained by many, when sustained by few, and when left "solitary and alone." He who launches his bark upon a political sea should depend upon great permanent currents, and never turn aside for squalls.

We have now, and for years have had, a common platform, from which no voice dissents. That fruitful source of ills and great abolition bug-bear, slavery, has become familiar to the people, and can now be considered with calm philosophy, justice, and reason. The question of slavery in the Territories has, like fire in the woods, burned itself out, and no longer affords real cause for agitation and disturbance, though pressed into the service of "irrepressible" agitators. Even shrieking, bleeding, burning, dying Kansas, has proved a surfeit to agitators, and has quietly adopted her Wyandotte constitution without arresting public attention. The highest judicial tribunal known to the constitution has decided all questions of practical moment concerning it, and all good citizens will acquiesce; and the principle of popular sovereignty will settle all controversies where they arise.

We have a democratic Administration to sustain in a wise foreign and domestic policy, which it has steadily pursued with quiet and unpretending firmness, amidst every conceivable embarrassment which the prolific spirit of the times and the machinations of desperate faction could produce, and the democracy of New York should stand united to cheer its labors by their approval, and aid it by harmonious counsels. We have a ticket, the high character of which all admit.

Then why should we permit longer a disgraceful controversy over the question whether one ambitious leader should gain successful rivalry over another. The Pickwick papers

describe a good old lady, who, whenever she saw any unusual movement in the family, fancied the kitchen chimney was on fire; and some politicians, upon the same principle, believe in each campaign that they will have to fight over the battles of 1848, 1853, or some other intestine broil. The masses, I repeat, are united; as for mere managing leaders, I neither have, nor did I ever have any sympathy or combination with them, nor shall I ever have, when it does not affect results in which all have an interest. So far as the strife among them is concerned, in the language of the old verse,

"I care not a toss up
Whether Mossup *kick* Barry,
Or Barry *kick* Mossup."

Should we hear the discordant notes of some aspiring leader from the broken-up and abandoned camp of the "Softs" patriotically trying to rally and embody the disbanded "Hards" again by "hereditary recollections," as a faction under his command; or should we find some former "Hard" endeavoring, by considerations no less unselfish, to rally as a disorganizing section those who were once "Softs," when unfortunate divisions gave the designations a meaning; we should naturally be uncharitable enough to believe that, in an unthinking moment, personal schemes or feelings or resentment, were serving as a substitute for patriotism and party loyalty. At the close of the Revolution, one Johnny Hook, an avaricious Scotchman, prosecuted a commanding officer in Virginia for the value of a bull, taken by the famishing soldiers for food in the darkest days of that trying period. The officer was successfully defended before a jury by the renowned Patrick Henry, who, at the close of his summing up, exclaimed, "Who is this, that disturbs a nation's repose at the close of her War for Independence by the cry of beef, beef, beef!" And I repeat, who is there that would disturb the harmony of a great party and revive its buried conflicts after a bootless war, equal in duration to the War of the Revolution, by a cry equally discordant? Away then, away with all divisions forever! Let us have no designation but that of democrat; and away too with those who would perpetuate old or breed new causes of division for personal aggrandizement!

The Democracy, with such a mission before it, can afford to bury the rivalries and jealousies and resentments and prejudices of its cliques and leaders in a common and resurrectionless grave. It reposes for hope upon its principles, and not upon its temporary agencies. It is of little moment to the toiling masses whether Smith is upon a committee, Jones a delegate, Brown a chairman, Lamb a secretary, or Lyon a candidate, or what particular individual represents them in the Senate or Assembly, or in Congress, or even who administers the laws at the State or the National Capital, provided the trust be faithfully executed. But it is of the highest moment that the Democracy bear rule, so that the principles of the party be maintained, and that none but those true and faithful to the Constitution be clothed with important public responsibilities—those who, in the true sense of Democracy, will stand by the Constitution and uphold all and singular its provisions and obligations, to the letter and in the spirit, in practice as well as in theory; those who do not fear to do right lest selfishness, and timidity, and chronic prejudice may charge them with wrong; those who can be neither corrupted, nor seduced, nor awed by fear, nor tempted by ambition, but who will truly represent, and maintain, and reflect at all times and upon all occasions, the great principles of the party which confided to their integrity a trust so sacred. The Democracy demands and will select men, when a great crisis is impending, who can stand to the watch in storm and peril, as well as in the calm and placid sea; those who can hold the helm firmly when the ocean casts up her mire and dirt, when lightnings flash and thunders roar, when waves dash and winds beat, and danger threatens, as fearlessly as when all is peace. When the storm has howled itself to rest and all is serene and beautiful, there is never a lack of manly daring, and the vaunts of sunshine patriotism quite often throw the sons of real service in the shade.

It is no apology for the true Democrat that the party, in designating its agents, has failed in his judgment to take them from its best personnel; or that the selection was partial, or might have been improved; or that just claims or pretensions were overlooked or disregarded; or that the action of the party passed beyond or fell short of the line of true wisdom; or that some other time or mode would have been better. If such

criticisms were just, the objections would be of a temporary character, and the remedy for such and all kindred grievances would rest in forward and not in retrograde movements; it would be soonest found in forming a more complete and perfect union of the rank and file, and not in sowing seeds of irritation, discord, and strife, and yielding to a common enemy. If any one whose expectations have not been answered is inclined to ventilate his complaints over committees, or conventions, or delegations, or candidates chosen, let him remember the rebuke of the Irish officer to the soldier who was howling so noisily on the battle-field, where both were wounded,—“Shut your noisy head!—do you suppose nobody is *kill* but yourself!” The support of Democratic measures and the advancement and success of the benign principles of Democracy are worthy of the noblest ambition. To cavil and dispute and divide and disorganize over the selections of agents and placemen, and leave the defence of the citadel, is a position too humiliating for the contemplation of an honorable mind.

The power rests with the masses; those who deserve will receive their sympathy, and they will demand of their agents, at all times, a faithful execution of their respective trusts, and enforce obedience to their behests, and woe be to him who disregards the mandate. The ticket nominated by the Democratic State Convention is one of the highest order for capacity, integrity, and experience, which has ever been presented for the support of the people of the Empire State. Every name upon this ticket was presented with a unanimity unknown in the history of nominating conventions. A unanimity as flattering to the nominees as honorable to the generous sentiment of the convention, and an earnest of the first fruits of a cordial union and a presage of victory.

Let then all the struggles in the Democratic party be hereafter laudable competition in seeing who shall do most to heal divisions, and heart-burnings which should be forgotten,—most to rally the voters and fill up the ranks,—most to push on the column and sustain the principles of the party by the election of this ticket—most to restore complete Democratic ascendancy,—most to blot out the pernicious and ruinous debt policy, the bitter fruits of Republican rule.

It was the standing order of Napoleon that whenever his

marshals or generals heard a cannonading which made the ground tremble, they should repair with their force to the scene of action, with all possible speed, to take part in the battle. Grouchy, though within hearing of Waterloo, with a large and fresh division of the army, neglected to obey this order, and one of the greatest battles the world ever saw was, because of the neglect, lost to Napoleon, and the whole destiny of Europe thereby changed. We now hear, as the struggle begins in New York, the distant roar of cannon booming for the great battle of 1860 ; drums are beating, bugles are sounding, steeds are prancing, bayonets are bristling, and platoons are marching ; the earth will soon tremble to its centre with the shock of the onset. The "irrepressible conflict" against the constitution is soon to be set in array, and to be lost or won for the residue of the nineteenth century. Let every Democrat, whether belonging to the horse or foot ; whether leader or follower ; whether at the head of a division or a private soldier, repair to the field and help to turn the tide of victory. Let no democratic forces refuse to march to the scene of action, for any grievance, real or imaginary, lest the cause of sectionalism and disunion thereby triumph.

SPEECH.

AT A DEMOCRATIC MASS MEETING, HELD TO RATIFY THE NOMINATIONS OF BROOKENRIDGE AND LANE FOR THE PRESIDENCY AND VICE-PRESIDENCY.

DELIVERED AT THE COOPER INSTITUTE, NEW YORK, July 18, 1860.

[The Democratic National Convention of 1860, whose performances are celebrated in this speech, though comprising in its membership many good and patriotic men, in its action at Charleston and Baltimore will ever be held in deserved reprobation. It broke up and predestinated the defeat of the Democratic party, and, through the breach, secession and disunion rushed in, to lay waste and despoil the sacred heritage of liberty and nationality.

Two sinister influences held divided control in the Convention: one, the Southern secession element, under the secret management of Slidell, Benjamin, Gwinn, Cobb, and others, known as the Senatorial clique, who, though not delegates, were skulking in the vicinity of the Convention, and operating through associates within it; the other, the leaders of the majority of the New York delegation, who, having the large minority tied up by a cunningly devised rule, requiring the delegation to act as a unit, wielded the whole vote and power of the State, and formed the controlling element among the Northern delegates—virtually holding the balance of power in that portion of the Convention. The first was impelled by personal and sectional ambition, and acted with planned, deliberate, and crafty but cowardly wickedness; shaping its policy to break up the Convention and prevent a nomination that could be successful at the polls, and having for its ulterior object disunion. It succeeded, if progress towards perdition can be called success; its immediate purpose was attained. The other was moved by sheer blind, mean selfishness; and, “operating for a rise” in the stock it had taken in a combination to produce a certain result, with a fatuity as obstinate as it was short-sighted, the “New York gamblers,” as in reference to their conduct in this regard they were truly called, played completely and effectually into the hands of the Southern conspirators, and miserably failed in their object.

Either of these influences, without the aid and in face of the opposition of the other, could have produced a nomination that would have been harmonious and successful. A large majority of the Southern delegates were anxious to produce a satisfactory nomination, and the continued pressing upon them of a candidate whom they had come to consider objectionable, and determined not to support, alone enabled the conspirators, whose purposes were darkly known only to a few, to keep them embodied, as they supposed, upon the defensive. If a proper candidate, other than Mr. Douglas, had been brought forward by or with the assent of the leading Northern influence, the Southern delegations would have broken from control and hailed the act with alacrity and enthusiasm. This is not said in reference to a particular candidate. There were several if not many names that would have produced this result. But the New York leaders would accept nothing nor permit anything but the nomination of Mr. Douglas—apparently blind to the fact, patent to every man of common sense, and which he must have bitterly felt, that the course taken to produce his nomination left him not the remotest chance of an election. On the other hand, if the South had, with tolerable unanimity, presented a candidate, the effect would, without doubt, have been the same in the Northern delegations.

Thus, through two evil influences, in which, on one hand a comprehensive wickedness, and on the other selfishness and littleness predominated, the Democratic party was wrecked in 1860. A single step into the right had saved it and the country. Persistence in the wrong opened the flood-gates to the disasters that swept over both.

The speech, it will be seen, deals with but one of these influences. When it was made, the hidden purposes of the other, furnishing the interpretation of its action, had not appeared nor been suspected. The writer of this note was present through the sitting of the Convention; witnessed much of the combinations and operations that attended its proceedings, and religiously believes that the responsibility for consequences rests alike on the two influences alluded to.]

MR. PRESIDENT AND MY FELLOW-CITIZENS—Ever-fleeting time has brought us upon another period prescribed by the Constitution for the election of Chief Magistrate of this great Confederacy; a popular struggle known to no other people but ourselves, and exceeding in interest and importance anything occurring in the history of governments among men, civilized or savage.

Upon preceding similar occasions, it has generally been the good fortune of that great party to which you and I belong—of that party which has swayed the destinies of the country, and

shaped its policy from the days of Jefferson to the present moment—to stand united in principle, purpose, and movement, like a Roman cohort in the best period of the mistress of the world. With such purposes and principles as heretofore governed and inspired the Democratic party; with united energies and harmonious action, it deserved and won the highest confidence and gratitude of the masses; it bore aloft on its banner the sacred word, *equality*; it plucked hoary-headed privilege by the beard, and arraigned error and pretension before the great tribunal of the people; it was radical in the reformation of abuses; it was conservative in the preservation of all that experience had approved; the Constitution was its pillar and its cloud, and progress was its watchword. Under its benign policy our borders were extended from the Atlantic to the Pacific; we subdued and fertilized new Territories; we civilized, educated, and absorbed their barbarous or semi-barbarous races, and nearly trebled the number of free, sovereign States.

Overshadowing, monopolizing, unconstitutional federal banks and protective tariffs, those devices of craft and fraud, that they might subsist upon the fruits of others' labor, have, after years of conflict with the Democracy, been driven from the field, and the only great work left us in the present crisis is to vindicate the supremacy of the Constitution and the equality of the States. The present Administration was quietly advancing the great interests of the country, in spite of the efforts of foes without and foes within, and Democracy was in the zenith of its triumphs. If to-day that great conservative party of the People and the Constitution—the country's safety and the patriot's hope, is crippled and divided; if its power is weakened, its forces scattered, its energies weighed down, and there are forebodings that its proud banner may fall trailing in the dust; let it be remembered that it is not the fault of the party or its principles, or of its masses, that it is thus degraded; but that it is because, in an evil moment, its management fell into the hands of the selfish, corrupt, and venal, who have betrayed the trust half gained by stealth, half confided to them; and because, in attempting to use its power to advance personal ends only, they have destroyed its organization, divided it into sections, and brought them into conflict with each other, instead of concentrating all its forces upon the enemies of the Constitution.

The Republican party, with many elements of personal worth and cleverness among its members, in its organization bodes evil to the best interests of true freedom and humanity ; it is founded in sectional disturbance ; its aliment is prejudice and passion ; its efforts calculated to array State against State, section against section, man against man, brother against brother ; destroy all kindly relations, and light up the fires of sectional discord and strife, to end in battles of blood. Though its managers threw overboard its great founder and leader, Governor Seward, because he had too plainly declared its principles, thereby acknowledging while intending to conceal its dangerous tendencies, its true theories are boldly avowed by its Cheevers and Wendell Philipsses, and reduced to practice by its John Browns. It disturbs and embitters the social relations ; it severs the holy ties of religious brotherhood ; it breaks the bonds of a common political faith ; it blots out the great memories of the Revolution ; it destroys commercial interests and the interchanges of trade ; it degrades us as a nation before the envious monarchies of earth, and deprives us of our inherent power to vindicate our rights ; it sows broadcast the terrible seeds of domestic strife and passion, that the people may ere long reap in sorrow a harvest of ashes and desolation.

There was never a moment in the history of the Democratic party, when the masses of the people looked to the sitting of a National Convention with more confiding expectation than to that last held when it was about to assemble at Charleston in April. There was never a time when such confidence was more wickedly, wantonly, and shamefully betrayed ; when reasonable expectations were so madly blasted, as in the results produced by its action. Its proceedings find no parallel in disgrace and degradation, since the Empire of the World was sold at auction for money.

The Democratic party, for its steady devotion to the principles of the Constitution, the catholicity of its creed—for its grand radical analysis, and its just and lofty conservatism—had won the confidence of the masses, and wrung unwilling admiration from its hereditary opponents ; and all good men looked to it in this, the evil day of our country, for deliverance and safety. Its Convention assembled at Charleston and organized for business. A holy man, arrayed in the robes of his sacred

office, with raised hands and fervent supplication, invokes the favor of the beneficent Being who has vouchsafed to us, as a people, so many blessings. The whisper of beauty is hushed in the galleries; the aged bow their gray hairs in sympathetic and deep devotion; levity is humbled in silence, and even lurking fraud is abashed, and cowers for a hiding-place. But the prayer is over, and a band of conspirators take possession of the assemblage; and, instead of a National Convention, a great huckstering bazaar is erected; a political trade sale is opened; management inaugurates her slimy and repulsive court, and the office of Chief Magistrate of this mighty Republic is put up, like the board of a public pauper, to the lowest bidder. Its proceedings bear evidence of a deliberate and long-cherished design, of a combination and conspiracy to tie up minorities against them, and leave those free who were for them, and thus attain by fraud or force a particular result, regardless of popular sentiment, or of consequences which might follow. The ruling faction had snuffed up the scent of four hundred millions of spoils, and for them the Administration was expected to rain milk and honey, snow powdered sugar, and hail Moffatt's Vegetable Life Pills.

Under nearly two weeks of this application of the forcing process, the Convention proved unequal to the emergency, and paused for breath; a portion of the delegations withdrew, and the residue adjourned to Baltimore, for a period of some six weeks, for ventilation. The public had reason to hope that, separated from the influences which had surrounded them, and no longer breathing the contagions they engendered, but inhaling a healthy moral atmosphere, they might return and discharge the duty they had undertaken. But abstinence only edged their appetites, and their last state was worse than the first. The same drilled, packed, machine majority met again, composed of delegates from a portion of the States, and assumed to sit in judgment upon the rights of regular delegates from another portion; to punish them for some non-conformity to the majority standard or other delinquency; in short, to deny to the delegations of sovereign Democratic States the right to return to their seats at Baltimore, because they did not occupy them for the whole period of the protracted sitting at Charleston; a question belonging entirely to the constituency of those delega-

tions alone, and with which the National Convention had no business whatever. And not only were these delegations expelled under such pretensions, but spurious delegations, made up to suit the convenience and necessity of the occasion, were put in their places. A decision so abhorrent to every principle of common fairness—so replete with outrage and usurpation, divided, dismembered, and broke up the Convention, as it should have done, and as every sensible mind saw it would do, and I commend with my whole heart the spirit, and approve the conduct of the President, General Cushing, who refused longer to preside over the tyrannous cabal, and of the delegations who, under the same President, reorganized and placed in nomination Messrs. Breckinridge and Lane.

The remaining faction, made up chiefly of delegates from Republican States, deprived of their head, and without a Democratic body, proceeded to nominate Messrs. Douglas and Fitzpatrick, as we were informed amidst tremendous enthusiasm ;—Vermont and other New England States, and the whole Northwest, were pledged to Mr. Douglas (subject, of course, to a slight incumbrance, held by one Abraham Lincoln), with deafening applause ! Some flatboatmen, descending the Mississippi, in rather a jolly mood, passed a house on the shore where there were fiddling and dancing on the piazza ;—the boat fell into an eddy, and once in each half hour passed the house again, and the boatmen swore they were fiddling and dancing in every house for a hundred miles on the bank of the river, while they had been revolving in an eddy, and had seen but one. The Douglas strength is estimated in the same way.

Waiving all questions of the merits or demerits of Mr. Douglas, as a candidate, his pretensions were pressed upon the Convention—sometimes under the pretence of a platform upon which he could stand with convenience ; sometimes in the admission and rejection of delegates by the process of machinery and management, and at other times in the direct presentation of his name, beyond all precedence, or bounds of courtesy, or reason ; in a manner and in a spirit, and with a feeling which spoke defiance to nearly one-half of the States of the Confederacy, when it was well known they would not acquiesce in his nomination—that they would not support him if nominated, and that he could not be elected without their votes ; pressed, too,

in a tone and temper, and with a dogged and obstinate persistence, which was well calculated, if it was not intended, to break up the Convention, or force it into obedience to the behests of a combination.

The authors of this outrage, whom we should hold accountable, and who are justly and directly chargeable with it, were the ruling majority of the New York delegation. They held the balance of power, and madly, and selfishly, and corruptly used it for the disruption of the Democratic party in endeavoring to force it up to a fixed point, to subserve their concerted schemes. They were there charged with high responsibilities by a patriotic and confiding constituency; in a crisis of unusual interest in the history of the party and the country, they, in an evil moment, held in their leprous hands the destinies of a noble party and of this great country; they professed to be governed by honorable considerations, and to desire the unity, and harmony, and success of the Democracy; they proclaimed, personally and through their accredited organs, that in their view the Southern States were entitled to name a candidate; and declared that it would be their first policy to second such suggestions as were made in that quarter, and support such candidate as should be named by, or be most acceptable to the South; and with such professions and false pretences on their lips, they went to Charleston. But from the moment they entered the Convention at Charleston, until it was finally broken up by their base conduct and worse faith at Baltimore—conduct which secured them the designation of political gamblers upon the floor of the Convention—their every act was to oppose the wishes, and resist each, any, and every candidate who would be acceptable to the Southern States; and their every effort, in season and out of season, by night and by day, was to force upon the Southern States a candidate whose creed they repudiated and condemned; a candidate they had declared, in the most solemn form and with repeated asseverations, they could not and would not support; a candidate who was at open war with the Democratic Administration; who had but a single supporter in the Democratic Senate, and whose especial adherents had just aided the Republicans in the election of a Speaker and Clerk of the House of Representatives—two of the most influential and commanding positions in the government.

Those who ruled, and dictated to, and wielded the vote of the New York delegation, through the fraudulent process of a unit vote—a rule forced upon a large minority of this delegation to stifle their sentiments, while small minorities were released from it, in others, to suit the purposes of the conspirators, will hereafter be known by the name plainly branded upon their guilty foreheads at Charleston—"political gamblers!"—who hang festering upon the lobbies of State and Federal legislation, to purchase chartered privilege and immunity by corrupt appliances; who thrive in its fetid atmosphere, and swell to obese proportions, like vultures upon offal; office-seekers, who crawl and cringe around the footsteps of power, and by false pretences procure themselves, or vile tools, places of official trust and emolument, that they may pack and control caucuses and conventions at the expense of the people they defraud and betray, while honest men are engaged in their industrial avocations to earn their bread.

Oh, how has the once noble spirit of the Democracy fled from such contaminating approaches! Rome, whose proud banner once waved triumphant over a conquered world, degenerated in the pursuits of sensual delights to a band of fiddlers and dancers; and the Democratic party in New York, founded in the spirit of a Jefferson, and emulating, for many years, the noble efforts of a Jackson and a Tompkins, has, in the hands of "political gamblers," been degraded by practices which would dishonor the resorts of a Peter Funk in cast-off clothing; cheating the sentiment of the people of the State and Nation; cheating a great and confiding party, whose principles they put on as a disguise, for the purpose of enabling them to cheat; cheating the Convention which admitted them to seats; cheating delegations who trusted them; cheating everybody and everything with which they came in contact, except Mr. Douglas, their nominee, and then lamenting, through their accredited organ, from day to day, that the Convention had not remained together longer, so that they might finally have cheated him! They have overthrown the Democratic masses, but "woe to the riders that trampled them down." "Political gamblers!" you have breathed your contagion throughout the Democratic citadel, and profaned and polluted its very walls. You have defiled its holy places by your corrupting presence; unclean beasts fold

in the area of its temples, and filthy reptiles have inhabited the sanctuary of its gods. Its towering eagle of liberty has fled, for a brief season, and foul ravens croak for prey and whet their bloody beaks and dirty talons upon its sacred altars. "Political gamblers!" you have perpetrated your last cheat, consummated your last fraud upon the Democratic party, for you will never again be trusted. Henceforth you will be held and treated as political outlaws, and set at defiance. There is no fox so crafty but his hide finally goes to the hatter's. You will hang upon its skirts to regain power, and lie in ambush for revenge; but as an open enemy you are powerless, and are only dangerous to those who trust you. With parties, and especially cliques, who betray trusts and abuse power, as with individuals, there is a day of reckoning and retribution, and yours is at hand.

The defection of a wing of the Democratic party in 1847, under cover of advocating "Free Soil" principles, defeated General Cass in 1848, and prostrated the power of the Democratic party in the State and nation. While its sections were standing or professing to stand on principles or doctrines in direct antagonism to each other, there were those who advocated a coalition and a division of spoils, for the purpose of securing patronage and "beating the Whigs." Regarding it as most shamefully demoralizing, I resisted it with all the arguments I could summon and all the influence I could command; but the necessities of office-seeking patriotism were too strong for me; and under the ministration of some who had received a taste of official favor and were willing to barter principle for place, and the acquiescence of good-natured weakness, the foul scheme was consummated; individuals obtained office, and the moral foundations of the party were shaken. From that day to the present, elements before unknown and unheard of in the history of the party have been rife, wielded by "political gamblers." Since then, caucuses have been run by contract, conventions have been packed, and the management of the party machinery has been assigned to its chief and assistant engineers with as much precision and regard to minutiae as the running of railroad trains. When a corps of servitors was wanted to falsify domestic history at Washington, and calumniate faithful democrats and honest men, they were at once in motion with all the alacrity of police detect-

ives, who start to arrest and punish, not perpetrate, fraud. In short, they usually keep stationed there a drill sergeant and a file of men to serve in emergencies. When an office was vacant, or a job of depleting the treasury was in the market, they snuffed up the spoil with that keen instinct given to all birds of evil omen, and demanded it as their lawful booty. They were "political gamblers" by trade, and pursued their avocation with appropriate and shameless desperation.

Administrations which knew or ought to have known their bleared and blackened history, which knew or should have known their occupation, and should have shunned them as they would a contact with the plague, though at first regarding this clique as

"A monster of such frightful mien,
That, to be hated, needs but to be seen,"

have usually realized the humiliating illustration of the poet, and

"Seen too oft, familiar with its face,
They first endure, then *pity*, then *embrace*."

Hereafter, when Democrats and others abroad fail to comprehend what they term the "*tangled web of New York politics*," let them remember that nine tenths of the "tangled web" and embarrassment to the Democratic party have arisen abroad; because this same clique of "political gamblers," who make politics a business, have been able to fasten their fangs upon the party organization at home, from being recognized and clothed with power and place and patronage abroad; and that they have been recognized and rewarded abroad for the alleged reason that they had power and position at home, which power and position they gain by the very patronage placed in their hands by those having its dispensation. This enables them to drive a profitable trade in political affairs, when true Democrats are prosecuting their ordinary pursuits and looking to popular sentiment to direct the political currents.

This clique and its accomplices and sympathizers avowed free-soil doctrines until they were universally repudiated and condemned by the Democratic party everywhere, and then,

without the least hesitation or inconvenience, professed the doctrines of the Democratic party with equal zeal and probably with equal sincerity. Though I opposed their recognition as Democrats by the party so long as they refused to stand upon its platform, yet they were bargained in; and I could do so no longer when they professed and acknowledged its whole creed and swore allegiance again to its principles. Many of the old free-soil wing, I cheerfully admit, have proved to be among the most reliable and faithful members of the party. But I have looked upon all the movements of the political clique of which I speak with distrust, and would gladly have seen them perform quarantine before landing. But they had sapped and mined the foundation of the Democratic edifice so long that they knew its weak points, and, having perfected their machinery accordingly, they were enabled to influence its movements and to rule or ruin in party affairs, generally doing the *last* when they failed to accomplish the *first*. Thus they became formidable, and thus did a great and generous party yield to their imperious demands from time to time, rather than see their treacherous arms turned against the Democratic encampment while its hosts were engaged in great periodical battles with its open enemies.

As the great conflict of 1860 approached, it was obvious that New York must be the battle-ground over the Constitution, and bear a conspicuous part in the mighty struggle, if, indeed, her potential act did not decide it for good or for evil. In view of this, I early determined to countenance no divisions in the ranks, for any purposes, under any circumstances. I knew that divisions, no matter how arising, would produce certain and inevitable defeat. I knew that this clique of politicians had abated not one jot or tittle of their rule or ruin policy. I knew they were loud in their professions of harmony, for foreign consumption, and to gull the masses, and I determined to take them at their word—to discountenance all divisions; to obtain as fair a selection of delegates to the National Convention as possible, and to make a last final *experimental effort for union for the sake of the Union!* Events at Syracuse, whither I went to promote reconciliations and prevent disruptions, gave my voice a potential influence. I exerted it to bring all elements into one organization, which should represent the Em-

pire State, and though the effort was censured by some, and resisted by others, and criticised by mole-eyed vision, it was substantially successful. I appealed to the masses throughout the State in popular addresses, and the Democracy responded by electing the most important portion of the ticket placed in nomination. But a single delegated representation was recognized at Charleston, and if that delegation had discharged, nay, if it had not grossly violated its duty, the State of New York, in this great contest, would have been the surest State in the Union for the Democratic nominees.

When the Syracuse Convention of 1859 approached, I could have remained at home, and permitted a division, which I saw was almost certain. The division would have come; New York would have been prostrate; and I and my friends would have been charged with producing it, and good-natured credulity abroad would have believed the asseverations of those whose vocation it is to verify such falsehoods. I could have joined others, and could have ministered to the just but profitless revenges of true and faithful men for a long catalogue of wrongs; but I preferred to look forward for the benefit of all, rather than look backward to gratify the just resentment of any. I could have seconded others in some Quixotic expedition to attain results to minister to far-fetched individual hopes; but each of these would have left New York powerless for good, and old line Democrats seemingly responsible; and I determined to give those who had power to rule or ruin, and a determination suited to the ability, undisputed power to rule, after associating all the good influences I could command. They professed to desire harmony, unity, and conciliation. I proposed to take them at their word, without saying how much, or how little faith I had in their professions. I saw they would have the power. I determined they should have, so far as I could control it, the responsibility also. I knew if they fairly and faithfully represented the State, they would merit and receive the commendation of all good Democrats, and that the party would be compensated in the results which would follow. I knew if, by treacherous schemes and gambling resorts, they betrayed their trust, and repeated the cheats abroad which they practised at home, they would expose to the world their own perfidious natures, and destroy themselves forever, and defeat

their further power for mischief at home and abroad, and that the Democratic party in New York could afford unbounded compensation for a consummation so devoutly to be wished. In short, I meant they should have the responsibility with the power, and they had both. The power they might have exercised so as to give life, and health, and joy, and unquestioned success to the Democratic party of the State and Nation. But they chose to exercise it in another direction, and now let them prepare for the responsibility which they cannot escape. They have, that they might advance the selfish purposes of a corrupt clique, with malice aforethought, wickedly and wantonly committed the crime; let them stand up in the world's pillory and suffer the penalty due to falsehood, treachery, ingratitude, and baseness.

When I threw my whole soul into an effort to unite the Democratic party of this State, I determined, if it was finally unsuccessful, because of the bad conduct of this trading combination, that I would never again make an effort to unite the party with such material in it. That effort at union would have been crowned with complete success but for them, for the ranks of the party had closed up, and the masses hailed a deliverance from eternal division and strife, as a proud day in their country's history. But they have torn open again its wounds, to subserve their own selfish schemes, and now let division be the order of the day until these faithless "political gamblers" are driven without the pale of the Democratic party forever. So totally abhorred as they are, we shall sooner attain success without than with them, and we have proved now, to the satisfaction of all, how vain the attempt for a party to repose upon such rotten foundations; and hereafter their power will not be courted, nor their necessities rewarded by Democratic Administrations. No, I shall hereafter make no efforts for union where they are to be recognized, but war upon any faction under their treacherous rule, and nothing but faction will follow their lead :

"Twice have I sought clan-Alpine's glen
In peace; but when I come again,
I come with banner, brand, and bow,
As leader seeks his mortal foe."

Much has been said upon the subject of *non-intervention* and

squatter sovereignty, as it is termed, and there has been much more said upon them than has been understood by those who have said it. And it would be well for the political magpies, who chatter so flippantly upon the subject, to learn their lesson before they prate it. The two principles have been strangely and unpardonably confounded; but I will state the true definition of each separately. Non-intervention means that there should be no intervention to extend or prohibit slavery in the Territories; but that, while Territories, the people of the States and the Territories should be left to enjoy just such rights as to carrying their slaves with them when removing into the Territories, or their exclusion therefrom, as it should be held by the courts belonged to them under the Constitution. Squatter sovereignty claims the *sovereign right* of the people of a Territory to exclude the introduction of slavery from the Territory by hostile Territorial legislation, regardless of the construction given to the Constitution by the decisions of the Supreme Court. Before the Dred Scott decision, this was an open question; since that decision it is so no longer. The difference is plainly this:—non-intervention by Congress and popular sovereignty, propose such Territorial legislation as should be in deference and subject to, and in harmony with the decisions of the Supreme Court upon the great question touching the right of the citizen under the Constitution. Squatter sovereignty asserts the authority of the Territorial Legislature to exclude slavery from the Territory by law, absolutely, regardless of the construction given to the Constitution by the Court.

It has been often said, with truth, that I was the first to introduce the principle of non-intervention and popular sovereignty into Congress for the government of the Territories; and when the doctrine has been regarded with disfavor it has been assigned to me, but when it has been greeted with popular applause it has had numerous claimants. It has sometimes been said, but erroneously, that I was an advocate, if not the author, of the doctrine of squatter sovereignty. I was and am an advocate of non-intervention and popular sovereignty—that is, of the right of the people to legislate, in harmony with the Constitution, for their domestic government. I never was an advocate for or a believer in the doctrine of squatter sover-

eignty, and hold it to be an out-and-out absurdity, for it makes the laws of a Territorial Legislature to override the Constitution of the United States. The resolutions which I introduced in 1847, proposing non-intervention in the Territories, and suggesting the principle of popular sovereignty, proposed, as shown by the speech which followed their introduction, that the Territorial legislation should keep in view such construction as should be given to the Constitution by the Supreme Court, and move in harmony with it. In 1848 Mr. Calhoun, myself, and others, were upon the committee charged with a bill known as the Clayton Compromise. I proposed, and Mr. Calhoun assented, that the bill should be framed upon the principle of non-intervention, and it was so framed, and so passed the Senate, but it was, near the close of the session, laid on the table in the House of Representatives. The only difference between Mr. Calhoun and myself upon the subject was this: he proposed that the bill should recognize, in declaratory form, the right of the citizens of all the States to go to the common Territories with their property—slave property included—and there be protected. I proposed, as it was an unsettled question and strictly belonged to the judiciary, to leave it to be decided by the courts, to which he assented, remarking that the South had such entire confidence in their position that they were willing to stand upon non-intervention, and await a judicial construction of the Constitution as affecting their rights in the Territories. The compromise measures of 1850 were based upon the same non-intervention idea, and in my advocacy of them in the Senate of the United States I declared that it was not my intention, either directly or indirectly, to favor, by voice or vote, the extension of slavery or the restriction of slavery in the Territories by Congress, or any interference with the subject whatever, but to leave the people of the Territories and of the States to such rights and privileges as are theirs under the Constitution and laws of the United States, without addition to or diminution from such rights by the action of Congress. The Kansas and Nebraska Bill, except in its disturbance of the Missouri line, contained no new principle whatever, but copied the same non-intervention principle which had been recognized by Congress, and awaited the judicial construction of the Constitution.

After the passage of all these measures came the Dred Scott decision by the Supreme Court of the United States, pronounced after unusual labor and deliberation, construing the Constitution and the rights of citizens of States in the Territories as Mr. Calhoun and other Southern statesmen had contended, and thus settling the question for all those who propose to abide by the Constitution and laws. The substance of the decision was this :

"The territory thus acquired is acquired by the people of the United States for their common and equal benefit, through their agent and trustee, the Federal government. Congress can exercise no power over the rights of persons or property of a citizen in the Territory, which is prohibited by the Constitution. The government and the citizens, whenever the Territory is opened to settlement, both enter it with their respective rights defined and limited by the Constitution. Congress has no right to prohibit the citizen of any particular State or States taking up their home there, while it permits citizens of other States to do so. Nor has it a right to give privileges to one class of citizens which it refuses to another. The Territory is acquired for their equal and common benefit, and if open to any it must be open to all, upon equal and the same terms.

Every citizen has a right to take with him into the Territory any article of property which the Constitution of the United States recognizes as property. The Constitution of the United States recognizes slaves as property, and pledges the Federal government to protect it, and Congress cannot exercise any more authority over property of that description than it may constitutionally exercise over property of any other kind. The act of Congress, therefore, prohibiting a citizen of the United States from taking with him slaves when he removes to the Territory in question to reside, is an exercise of authority over private property which is not warranted by the Constitution, and the removal of the plaintiff by his owner to that Territory gave him no title to freedom."

Now if all had acquiesced in this decision like good citizens, had yielded assent and obedience to its authentic construction of the fundamental law by the highest tribunal, the question of slavery in the Territories would have been at rest, and the Democratic party would have been on its way rejoicing. But every kind of means was resorted to to evade it. Rampant Abolitionism, more manly than its accomplices in mischief, openly denounced and defied it—as it is wont to do

all legal obstacles to the consummation of its own distempered idea; demagogueism inflated itself; fanaticism foamed and raged; trimming cowardice shrunk around it and insisted that the question was not decided; and all these combined together sought to deny the citizens of the slave States the benefits of the decision either in theory or practice. I repeat, the South were satisfied with non-intervention, awaiting in good faith the decision of the courts before this adjudication; since the decision they would have been satisfied with non-intervention, and the acknowledgment and practical execution of it according to its fair and equitable spirit.

The South did not object to Mr. Douglas because of his principles of non-intervention, nor because of his doctrines of popular sovereignty in the Territories, as is so often and so pompously alleged; but their opposition to him arose, to say nothing of his unfortunate controversy with the Administration, from his advocacy of what they regard as a most rank and mischievous error, the squatter sovereignty heresy; contending, as he does, as we have already seen, notwithstanding the decision of the Supreme Court in the Dred Scott case, holding that all citizens with their property are to be admitted there on equal terms, slave property included, that a Territorial Legislature may, by its enacted law, exclude slave property from the Territory—thus virtually investing a Territorial Legislature with power to annul this provision of the Constitution as construed by the highest tribunal known to the law. These are the articles of the creed proposed by Mr. Douglas, to which the South object. In the celebrated campaign debate with Mr. Lincoln, previous to the Dred Scott decision, in response to certain questions proposed by Mr. Lincoln, Mr. Douglas answered as follows:—

“The next question propounded to me by Mr. Lincoln is, can the people of a Territory, in any lawful way, against the wishes of the United States, exclude slavery from their limits prior to the formation of a State Constitution? I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can by lawful means exclude slavery from their limits prior to the formation of a State Constitution. Mr. Lincoln knew that I had answered that question over and over again. He heard me argue the Nebraska bill on that principle all over the

State in 1854, in 1855, and in 1856, and he has no excuse for pretending to be in doubt as to my position on that question."

After the Dred Scott decision had been pronounced and published, Mr. Douglas stated his position thus :

"It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local legislature ; and if the people are opposed to slavery, they will elect representatives to that body who will, by unfriendly legislation, effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave Territory or a free Territory is perfect and complete under the Nebraska bill. I hope Mr. Lincoln deems my answer satisfactory on that point."

For these doctrines the Southern States refused to accept Mr. Douglas as a candidate ; but whether they were reasonable or capricious in their refusal to accept and support him, they had taken their stand deliberately after mature consideration ; their avowal was before the country and was well understood ; and, unless he had some pre-emptive right to the nomination, which is not conceded, they had a right to set him aside as a mere matter of choice, without any reason whatever. These States held one hundred and twenty electoral votes, sure for the Democracy with an acceptable candidate ; while every other State, except those on the Pacific, were counted against us or doubtful ; and yet managers of the minority and doubtful States, by artifice and combination, sought through the strangely protracted sessions of the conventions held at Charleston and Baltimore to force this one candidate upon the Southern States ; and in this persistent and insane effort first dismembered and then adjourned the Convention at Charleston, and finally divided and broke it up at Baltimore. It was of all others an occasion when all mere personal preferences should have been forgotten and surrendered for the public

good; but with them, it was Douglas or nothing, and hence the result—the convention broken up, the party divided, and all for a candidate who cannot probably get a single electoral vote. The Democratic party, under such rule, is like the serpent in the fable, which gave up the lead for a time to the tail instead of the head, to prevent its clamor; and, in attempting to go tail foremost, stuck fast and thus remained, the tail refusing to give up the right to act as head. And thus will the Democratic party remain, until it sheds its tapering extremity, which insists on being honored with command.

For the purpose of turning attention from the weakness and absurdity of their own position, and their responsibility for the mad and selfish prostration of the Democratic party; to alarm the fears of the timid, shake the knees of the weak, and minister to the morbid cravings of a lingering and dormant abolitionism; they proclaim that the National Democracy are the advocates of a slave code for the Territories. This ideal bantling was begotten by design upon ignorance, and is supported by empty noise and brazen clamor. The platform asked for and insisted upon by Southern States was just what the Constitution entitles them to, as construed by the Supreme Court, and nothing more. It is the same non-intervention which every true Democrat has advocated, and gives effect to the decision of the Court, and that is all. Let every Democrat read it with unclouded vision, and not through the smoked glass of incipient abolitionism; let him analyze it carefully, and then tell us in what section, or sentence, or syllable, this terrific *slave code* reposes; and when read and weighed and understood, let any one who cannot subscribe to the great principles of personal and State equality there enunciated, as established and guaranteed by the Constitution and authorized and vindicated by the Supreme Court of the United States, remember that he has taken the first lesson in abolition Republicanism, and is already on his way to that organization in his sympathy with a sectional bigoted creed and a narrow political belief.

But when all other expedients fail, we are reminded that the nomination of Douglas and Johnson is entitled to support for its *regularity*; and I have observed that several gentlemen who were *regular* members of the speckled Buffalo convention

of 1848 are most emphatic in swearing allegiance to *regularity*. The Convention which made this nomination had no sign, show, nor shadow of regularity. The delegated Convention at Charleston had no power to adjourn to Baltimore, a distance of hundreds of miles, in another State, and nearly two months after the time appointed. No such thing was ever contemplated; no such power or discretion was delegated even by the most far-fetched implications. A good nomination at Baltimore would have been entitled to support, but not on the score of regularity, for it had not even the semblance of it. The regular delegations for a large number of States were rejected, and bogus contestants, some of them without a pretence of regularity or delegated authority, were admitted in their places; while regular delegations from numerous other States, because of this outrage, withdrew, and this pretended regular Convention was a mere fraction of one, partly, but not wholly, filled up with unauthorized persons from the outside. It acted in violation of the uniform rule of Democratic National Conventions, which it had itself adopted, requiring two thirds to nominate, and then disregarded it in making the nominations; for at no time, spurious delegates included, did the vote reach near a two thirds vote. Its nominee for Vice-President was Mr. Fitzpatrick, who declined to accept such a nomination; and the regularity of Mr. Johnson, who now runs as Vice-President with Mr. Douglas, consists in the request of some half dozen individuals, after the adjournment, that he would run—in which request, it seems, he cordially united. The regular president of the Convention, General Cushing, left the chair and went away, and presided over the Convention which nominated Breckinridge and Lane; so that the regularity of the nomination of Douglas and Johnson may be summed up in this:—that Mr. Johnson was not and has not yet been nominated by any convention; that Mr. Douglas was nominated by an irregular, fractional, broken-up convention, without a head, without a democratic body, but a mere skeleton, half soft, half Republican State delegations, and a bogus tail. No one pretends that the nominations of Breckinridge and Lane have the authority of a regular National Convention, according to the usages of the party; but they are much more regular than the other. This Convention had a head in the

president of the whole Convention. It had a Democratic body in the regular delegations from all the sure Democratic States—a majority of the States of the Union; it had no spurious extremity, and it had a platform of manly principles upon which every true Democrat of the whole Union can stand together.

The question recurs, what shall we do? Do! Why, stand resolutely by principle, and let the storm rage on; there is sunshine beyond the clouds. Shun all entangling alliances of every name and kind. The readiest, surest, speediest, most honorable way to success is to repudiate all fusions, all factions, all patchwork, all devices, all expedients, all attempts to mend the break, as old ladies mend broken crockery with Spaulding's prepared glue—all efforts to be upon both sides—and stand by our candidates and our creed. We shall then commence to deserve success; and if we persevere in the path of Constitutional rectitude, we shall preserve our self-respect, command the respect of others, and our efforts will be crowned with triumph for our party and our principles, the good influences of which will last when party managers and tricksters and their vile schemes are forgotten, or remembered only to be hated and execrated.

SPEECH

DELIVERED ON THE OCCASION OF A SERENADE, AT THE KIRK-
WOOD HOUSE, WASHINGTON CITY, August 1, 1860.

[On a casual visit to the National Capital in the summer of 1860, Mr. Dickinson met a most cordial and enthusiastic reception, and among other demonstrations was tendered the compliment of a serenade at his Hotel by the Democracy of the District. He was introduced to the assemblage by Gov. Stevens of Washington Territory, Chairman of the National Democratic Committee, who, in the great and deadly struggle which followed, sealed his devotion to the cause of the Union with his life, on the ill-starred plains of Manassas.

Gov. STEVENS: Fellow-citizens of the City of Washington, this is a most important occasion; an important crisis in the history of our country. At this time I have a most agreeable duty to perform. On the 18th of July we heard the sound of the trumpet from the city of New York; that sound reached the remotest limits of this broad Confederacy; a sound so pure, so clear, reaching to the skies, extending in every direction, that aroused the heart of every citizen of our land. But the voice which came to you through the press on the telegraph you have here to-night. That voice has been heard in this city before, in your Congressional halls. It has been a voice always standing on the immutable and invincible right. It has been a voice which in every political crisis in our country's history has stood by the equal rights of the sovereign States of the Union! Without detaining you any longer from the great treat that is before you, I now introduce to you that veteran, that clear-headed Democrat, that whole-souled, that warm-hearted patriot, Hon. Daniel S. Dickinson, of New York.]

It is always gratifying and pleasant, my fellow-citizens, to be thus greeted and thus remembered personally; to be thus remembered for services to the country, or to the great Democratic party of the nation; to be thus greeted with soul-stirring music; to be thus introduced by complimentary eloquence, by so distinguished a gentleman as he who has addressed you, to

so numerous and respectable an auditory as the present. The only return I can make you, my fellow-citizens—the only return I can make to the committee and its organ, is the tribute of a grateful heart; and that is freely tendered.

The lines of the American people, my friends, have been cast in pleasant places. Heaven's warm and golden sunshine bathes all God's children within the vast area of this Republic. The tree of liberty, planted by the fathers of the Revolution, though but a slender shoot, watered by the tears of its daughters and nurtured by the blood of its sons, has, under the fostering care of the democratic party of the nation, grown to be great and mighty. Its roots have sunk deep into the fertile earth; its vast trunk stretches upward to the very heavens, and its mighty branches reach to the frozen regions of the North, down to where they are fanned by the tropical breezes of the South; to the broad Atlantic, and across to the far off Pacific. It invites not only the children of America, but the children of liberty everywhere, the down-trodden and oppressed of all the nations of the earth, to come and sit down under the shadow of its protecting branches and subsist upon its fruits. And throughout this vast country, with its fertile soil, its grand mountains, its pleasant vales, its heaving oceans, its winding rivers and its murmuring streamlets, under such institutions as the sun never shone upon before, every interest is protected, every industry rewarded, and the great and sacred principle of equality crowns the moral beauty of the whole.

But in all this prosperity, amidst all these benefits, under all these mighty blessings that are vouchsafed to us, one canker gnaws at the root of our domestic peace. One subject alone, like a wild and fevered dream, disturbs our land, and causes consternation, care, anxiety, and deep solicitude for our political safety. It is not, my fellow-citizens, merely that one of those great periodical struggles approaches for the election of a Chief Magistrate; for amidst all the stirring conflicts of the times (and they are many), we have an Administration that guides the ship of state in a manner that gives confidence to the American people that it will be brought over a prosperous ocean to a harbor of safety and peace.

It is not, my fellow-citizens, that political parties are in the field; for that has been before. It is not that political weap-

ons are burnished for this contest and the knights are entering the lists; for they have been there before. The great democratic party of the country, with its principles of progress, is in the field; and it has been there before. The rich fruits of which our country has boasted are the results of its rule and its benign policy. Its opponent, too, has been in the field before. The old Whig party has nought left but its memories. I will not discuss the party ordinarily called the American party, because I do not regard it as a considerable element in the great and stirring controversy of the times. The Republican party, the present antagonist of the democracy, upon its own record is a sectional party; for it comes into the field ignoring fifteen States in the Union and their institutions, and manfully—manfully I say, because it does it openly and boldly—places both its candidates within the Northern or free States, and enters into the conflict with sectionalism upon its banner. And here, with all its errors, with all its wrong-doings, with all its elements of mischief, it throws off its concealment, and stands before the American people to-day in its sin, as our first parents stood before Heaven in their innocence, naked but not ashamed! The democratic party to-day, armed with the panoply of the constitution, with the sympathy of the masses of the people, could literally drive it from the face of the earth. It conquered it before, and in the struggle that is approaching, and is even now at our doors, can overcome it again. It has not an element of success. It has appealed to sectionalism, and passion, and prejudice; but it will appeal in vain to the confidence of the American people. Yet, though it is fraught, as we have seen, with elements of evil, there are other elements of evil in our midst to-day that threaten us far more than the republican party. Its disguises have been stripped off. It stands forth avowed in its purposes, and therefore it is robbed of nine tenths of its power to harm. It is the division of the great democratic party that endangers our success and jeopardizes the safety of the country. This is the absorbing question of the day and of the times, and that to which we must practically address ourselves.

The Democratic party is in the field with Breckinridge and Lane as its standard-bearers in this contest. They are names that are no strangers to the country, but are inscribed on its

highest page; that are no strangers in the public councils, but have honorable place in the records of Congress and of their respective States; no strangers on the field of battle, but intrepid soldiers who answered and honored the country's call to arms, by bravely battling for its rights on a foreign soil; no strangers to the Democratic party, in whose ranks they have done honorable service, and now bear aloft the banner under which the Democracy are going to fight this battle of the Constitution. But the chief impediment to our success is division in our ranks, under pretence of another nomination called Democratic—a nomination based upon the idea of Sherwood Forest:

“For why? because the good old rule
Sufficeth them, the simple plan,
That they should take who have the power
And they should keep who can.”

I have nothing to say, at present, of the candidates which faction has put in the field against us, for these are questions which reach lower, rise higher, and spread out in extent clear beyond personal considerations. They go beyond mere men, and have nothing to do with them as such. Questions of organization; movements of political bodies; principles, that underlie and form the foundation of all these, are fit subjects for discussion, and I will treat of them and lay individuals out of the question. Nor do I dwell upon the technicalities of regularity of convention or delegates; I start with this broad proposition, that the party—the division, or faction, rather, opposed to us—is as sectional to-day as the Republican party, and ten times more mischievous. You need not tell me that it is not sectional because it has a small support here and there in the Southern portion of the Union. It was conceived in sectionalism, brought forth in sectionalism, and it has all the mischievous elements of sectionalism around and about it. What was it that disrupted the Charleston Convention? An effort to force upon a portion of the States a candidate whom they would not accept. What was it that finally dismembered the Baltimore Convention? It was precisely the same issue; and then we find both Conventions unequal to the task of nominating a Democratic candidate for the Presidency, in this time of extra-

ordinary interest and extraordinary peril, according to the regular course and usage of the party, because a nominal majority held the rule of the Convention in its hands, and was determined to force a candidate upon it who was unacceptable to a portion of the States—even to a majority of the States of the Union. I insist that it is essentially sectional; that all the mischiefs and objections of a sectional candidate, under whatever name it may be called or pretended, attach to its nomination. I care nothing either for its particular platform, real or pretended, original or amended. It is an organization formed and supported by a portion of the States against another portion, when numerous considerations, at this time of all other times, suggested that no such sectional issue should be pressed upon the National Convention or the country. I admit that a great many of the elements enter into this that have entered into other struggles, and that many who participate in it do not believe it is intended for a sectional movement; but it has one element in it that, if it has been discovered, has not been as fully exposed as it deserves to be, and which is the great and controlling consideration in this opposition to the Democratic party. And it is this:—laying aside all other elements, worthy or unworthy, that enter into this campaign upon the part of this organization, it clearly has a secret motive power that propels this terrible train of evils that threaten the Democratic party and the country. Has not every observing and reflecting man been surprised that a section of the party should have spent nearly two weeks at Charleston in the effort to press upon the Convention a candidate for the Presidency that was unacceptable to those States that must be relied on to give Democratic votes? Has not every reflecting and observing man been surprised that when they came to Baltimore, after returning to their constituencies, all this effort should have been renewed with re-doubled power and virulence?

There are those who have belonged to the Democratic party who would rather reign in hell than serve in Heaven. They have seen four hundred millions of spoils, and have hungered and thirsted for them like famished wolves. Some of them are lacking principle, wanting power and wanting bread; and they determined, if possible, to take possession of the treasury of the country; and how are they to do that? They are unwilling to

serve under a Seward, a Hale, a Sumner, and a Giddings ; but have conceived, or renewed, rather, the idea of a great Northern party to be controlled by what they called Democratic influences, and are reviving the efforts of 1848 to raise up a party that shall be able to control the destiny of this nation by controlling the electoral votes of the free States ;—a party that can ride rough-shod, if need be, over Southern States and over the Constitution alike. Let the Southern States bestir themselves. Let them see the meaning of this effort. Let them see the hidden springs that have put in motion all this destructive machinery. Let no one lay the flattering unction to his soul that this is a mere effort at the election of an individual. They will see that they cannot hope to elect the individual that they have named ; that he cannot probably get a single electoral vote ; but they are laying the foundations of a sectional party to be controlled by themselves, that is to absorb the Republican party and rule the Democratic party of the North ; and when their plans shall attain so much of success, they will control the destinies of the nation, and seize upon this mighty spoil. The prize in view has tempted them to this atrocious act ; and, hungering and thirsting as they are—lacking principles as they do—it is not surprising that they have made the effort. The angels fell from Heaven with comparatively less temptation.

Now, so long as the Southern people are true to themselves in this matter, they need have no fear ; they will find noble hearts, willing spirits, and strong arms in the North, in the free States, that will stand by the Constitution for them, as long as they will stand by themselves. This good ship of state will never be surrendered until the Southern States mutiny ; until they shall forsake it themselves. But when, if ever, this government goes down ; when, if ever, this mighty fabric shall be dissolved ; when, if ever—and God grant that it may never be, for "*procul, O procul, este profani !*"—but if it shall be, may the South not see, when prostrated and bleeding—as in the case of the noble bird,—their own feather

" ——— on the fatal dart
That winged the shaft that quivered in her heart ! "

May no States at the South, may no organization at the

South, may no individuals at the South, who have the good of the country and the integrity of the Constitution at heart, aid on this movement, supposing that it means nothing but the election of individuals. I raise my warning voice to-night, and tell you that it has a far deeper import. What does it mean, this desperate effort, urged on by some unknown cause, if it is not intended to lay broad and deep the foundations of a great Northern sectional party, to rule the destinies of this country? I know full well what it means, and I intend to battle against it with, if necessary, the last effort of my life. When I raised my voice in this sectional issue in 1847, in yonder Capitol, I enlisted for the war. I knew then the terrible controversy of opinion that was to go forward in this country; and if I had believed that I could ever be tempted to retrace my steps, like the adventurer Cortez, I would have destroyed the means of retreat behind me; and, survive or perish, through success or defeat, life or death, I intend for one to invoke my friends to stand up to the integrity of the Constitution and of the whole Union—of no particular section of the Union, but for the integrity of the whole, and preserve this great legacy that has been handed down to us by our fathers. Of what avail are all the struggles of parties; of what avail are all the spoils of office; of what avail are all the rich products of the Treasury, if we throw away such a priceless inheritance as has been given to us? And of what avail is the boasted Democratic party, if it degenerates into mere sectionalism; if it ignores, either in theory or practice, the land and memory of the Washingtons, the Sumters, the Marions of the Revolution; if it forgets the Jeffersons, the Jacksons, the Madisons and Monroes in the councils of the nation? We may as well be a sectional Republican party as a sectional Democratic party, if we forget our nationality and degenerate into sectionalism.

The Democratic party will be of no avail when it surrenders up its great principles. It has maintained its hold upon the affections and confidence of the masses through all the fluctuations of the past by the integrity of its principles, by the catholicity of its creed, by its benign doctrines of equality, by its following the advice of the Father of his Country, to frown upon all efforts to kindle sectional jealousy or disturbance. Whenever it departs from that; when it submits to follow am-

bitious leaders ; when it degenerates into cliques and personal organizations, and undertakes to force objectionable candidates upon a portion of our country because it holds the power, that moment it is no longer worthy of the name of Democracy. The name of Democracy then, instead of rallying the mighty masses of the country, and instead of stirring up generous hearts and interests, causing them to thrill with joy, will be a byword, a reproach, a hissing, and a shame. It is significant as a name, and honorable because the principles, and associations, and memories that cluster around it are generous, noble, and suggestive of the great emancipation of the masses of the earth from tyrannous corporations and privileged classes ; but whenever it fails to assert its dignity and its power, and to regard alike the whole country, and degenerates into sections and cliques, it will only be remembered to be despised, and will be ten times more mischievous than the Republican party, which we war against. I know this will be a great struggle. I know the efforts that will be made to crush those who interpose in behalf of principle in this crisis ; but I say to them, Go on ! Maintain the right ! Here is a great battle of principle to be fought. "The sunshine patriot and the summer soldier may shrink from the crisis in a time like this ; but he who stands up now will deserve the respect and receive the love and thanks of every man and woman."

SPEECH

DELIVERED AT A UNION MEETING HELD IN PINE STREET, NEW YORK, December, 1860.

[The meeting at which this speech was made was called to consider the threatening aspect of affairs in the Southern portion of the Union, and was composed of leading and influential citizens of the city and State. It was one of the many vain attempts made at that stage of the national crisis to devise some means of averting the impending disasters.]

I CAME here, Mr. Chairman, without intending to take part in this meeting, because invited here; for, although I have little faith in anything that can be done at this moment, I would not stay away from a meeting called as this has been, and looking to such great and beneficent objects. I would not stay away if there was the least hope that anything could be accomplished. I have nothing new to say upon this subject; nothing more than I have said before, through a long course of years. I have seen the seed planted; I have seen the sprout shoot up in rank, luxuriant growth and overshadow the whole land; and it has finally produced its crop of terrible and poisonous fruit. We are upon perilous times, and it becomes the duty of every patriot, every individual who loves his country, to put forth every energy within his power for the purpose of averting not merely the danger that threatens, but the danger that is upon us.

In other days I had the honor to be associated with that somewhat eccentric, but pure and elevated statesman, Calhoun; he has gone to his rest and his reward; and Henry Clay—who looked upon this Union with a solicitude scarcely less anxious than that the Saviour of men bestowed upon Jerusalem—he is not here now to take part in the affairs of the day; and if this Union is to be dissolved, as I religiously fear,

heaven, in mercy, has granted the prayer of the immortal Webster, that when his eyes last beheld the sun in heaven, it might not shine upon the fragments of a dissevered Union. From New York, and from most of the Northern States, every individual who thought as I did in former times of peril has retired to private life, and their names have been supplied and their seats filled by those of diametrically opposite opinions.

"But more true joy Marcellus exiled feels,
Than Cæsar, with the Senate at his heels."

This union of States did not repose at other times and does not repose to-day solely upon paper laws and paper Constitutions. It was founded in mutual friendship and regard and common interests, and these fraternal feelings and common motives are necessary for its continuance. They form its life-principle, and when they cease to exist, what remains is but a body without the animating spirit; a shadow without the substance; a delusion and a mockery. All the paper laws we have ever enacted or can pass in the future; all the force and strength and power of the Constitution; the mandates of the National Legislature; the adjudication of the federal courts; the authority of the Executive, with the assistance of the army and navy, are not worth a single rush to compel a State to discharge its duties and fulfil its relations faithfully as a State of the Union when it elects to do otherwise. The federal government has no power over a State *as such*, except to admit it to the Union. If it refuses to send Senators and Representatives to Congress, no earthly power can compel it to do so. Whatever may be its duty, its full allegiance as a State can only be secured to the federal Constitution because it chooses to fulfil its obligations to the federal head and the sisterhood of States according to the requirements of the Constitution. The authority which the federal government may exercise over States, is the assertion of its own peculiar, and, for many purposes, paramount jurisdiction over the *territory* and *people*, and not over the State *as a political organization*. Should a State *resist* the lawful authority of the government of the Union, and arm its people or any portion of them against it, it would be not only the right but the duty

of the government to take armed possession of its territory, bring to condign punishment every transgressor, and subjugate every disloyal element. To this extent and in this sense, upon occasion of revolt and resistance, the territory of a State might be seized and its disloyal people punished and subjugated, but in no other; and in no other manner can a State defying the federal Constitution be punished. But what heart does not revolt at such a prospect and such a remedy?

The act to which my friend who has just preceded me alluded, which was called, in common parlance, the nine months law, permitted our Southern brethren who visited the State of New York to bring with them their servants and remain for nine months without the relation between them being affected by our laws on the subject, applicable to our own citizens. By an exercise of State comity they received, for this limited time, to a partial extent, the same protection as in the State from whence they came. In 1840 that act was repealed. I was then a member of the Senate of this State, and although never dreaming that I should be upon the national boards of legislation—knowing little of this great question compared with what I know now—I resisted the repeal of that law to the best of my ability as long as I could by arguments, and finally, when driven to the wall, my blood coursing more rapidly then than now, I resisted it factiously, and kept the majority waiting nearly a whole night. I received the rewards of approbation from patriotic men for my exertions on the one side, and my full basket of anonymous letters of abuse on the other. But I scorn to speak of my personal action. I believe that was the first source of trouble between the North and South.

It is not an amendment of the constitution that is wanted; the laws are well enough—the federal laws and constitution, but it is their execution according to the spirit in which they were enacted that is called for and demanded on the part of the South. They insist upon the great principle of the equality of the States, and in that they are right, upon every consideration that can influence men, communities, and States. The constitution makes them equal—the law makes them equal—they are equal in the sight of honest men, and are equals in the sight of God, and woe be to him who undertakes to degrade

and trample them down. They see and feel the advancing numbers and power of the North; and that now in the national Legislature they are in the minority. They see that in a few years there will be a majority of two-thirds against them, not only in the States, but of representatives of both branches of Congress, and they fear that the sentiment of the entire free States will sweep their institutions away. And hence it is that they take alarm; hence it is determined now, while they have some power and some strength, unless they can have additional guaranties to protect and sustain them, to secede from the Union. They are forewarned and intend to be forearmed, and unless they can find safety, security, equality, and repose in the Union, they intend to seek it outside, whatever fate may await them. I know there are those amongst us who say that the South do not intend to secede; they say this is an unnecessary alarm; that they can be coerced and driven back in their position. All that is necessary is firmness. But the South have seen for years these little rivulets of opposition gathering from the hills and forcing down through the gorges, until they form the black and bitter waters of one great sea of abolition, which threatens to overwhelm and engulf them.

I have already remarked that this Union was formed as a union of good feeling; a fraternal union of equals, of good-fellowship; and he who supposes that these States can be continued in the bonds of union by coercion; that they can be fought, defeated, and subdued, into equal and faithful members, should go home to his domestic hearth and there breed jealousies, distrust, and animosity between himself and the partner of his bosom; she who pledged herself to love, honor, and obey him; who is the mother of his children; who has attended him through the vicissitudes of life and the bereavements which have awaited them; and after he has created disturbance and disagreement there, let him then attempt to chastise her to make her love and honor him more. And when he has succeeded, let him try to chastise a State until it shall become a more faithful member of the Union. Will the children of a common father, who sit down at the family table as equals, consent to be degraded by being driven under a system of domestic inequality to submission? Let those who believe that this evil can be averted, and the Union preserved by force, attempt that

method when it comes to that; but let all good men, let every patriot, set to work to correct the public sentiment of the North, and if possible save the country from the terrible infliction. The public feeling of the South has been wrought upon and irritated, until it has arrived, in a good degree, at a point of desperation.

The South cares little about the mere election of Mr. Lincoln; they view it as the development of a public sentiment, as a last and final sentiment of the free States. They look at us as States, not as individual members of the community, as we look at them, as States, not as individual members of society. They regard this as an evidence of public opinion which has passed beyond their control, and they say now there is no hope for them within the Union as equals, and they will secede. What we should convince them of is, that we will not only repeal our obnoxious laws upon paper, but that we will repeal the prevailing public sentiment that is more pernicious than all the obnoxious laws of New England and all the free States together. It is a sentiment that has been infused by political demagogues who have gone through the land, preaching demagogueism and sectionalism on the subject of slavery; and whether in the character of a political demagogue or a ministerial one I care very little.

Our Southern brothers will reason with us when we reason with them. No amount of finished and eloquent addresses will serve in this emergency; no finely turned periods in speech; no resolutions, however patriotic and well pointed and considered, will answer the occasion. No commission of individuals, however elevated, patriotic, and pure of record, will be of the least avail, unless the Southern people are satisfied that they represent the public sentiment. When the belief of the South can rest on the sincerity of our resolutions, addresses, and speeches, as representing the public mind of the North, and not till then, will come concord and unity. I have little faith in anything except that which goes towards creating or developing at home a pure, patriotic, elevated public sentiment. I have little faith in a meeting in this great commercial city, or anything it can do, further than as giving evidence of a public sentiment. The South are sure of the fidelity of the city of New York. It has been true at all times; it has never swerved

with its great and patriotic majority. But the South have seen that the vote of the country is overwhelming, and renders the city powerless; so far as it is an evidence of the public sentiment of the State and city, it will have its influence, and no further. But we should go further; we should repeal the obnoxious laws on our statute book, and the repeal should carry evidence that it is not for any mere temporary purpose; that it is not because our pecuniary interests have been touched; but it must carry evidence that it is a reflection of the returning public sense; that those who would not see have been made to feel, and that the returning sense and reason are real and will be permanent. The free States must be wrought up to the consideration of a great public duty.

The South have not offended us. We cannot say that they have ever laid a finger upon us. They have not invaded our domain. They have not interfered with any interests belonging to us as sovereign States. But they read in our newspapers that their slaves have been run off in numbers by an underground railroad, and they see it set down in derision that one more Southern individual has been robbed of his property; one more slave, instead of having been returned according to the compact of the constitution, has been run off into the provinces of Canada, and insult and injury returned for a constitutional duty. They have determined to bear these things no longer; and it becomes the Northern people to determine whether they will permit this state of things to go on, or whether they will make one last grand effort to see whether this false sentiment and these evil practices can be corrected. You cannot send forth a stream by any natural process higher than the fountain. The South know it. They have no faith in addresses and resolutions that have not their sources in the feelings of the masses of the people.

It is useless to say there is no serious trouble. I believe that South Carolina will secede, so far as the movement of her convention can do it, on the 17th or 18th of this month, and events must transpire shortly after which will bring all the cotton States in association with her; and eventually every State, which is a slave State and intends to continue such, will go along together, unless the danger can be arrested. This is as certain as the law of gravity, and he is a blind man and madman who

cannot see it. All that we can now do is to get time to convince the Southern people that there is a returning sentiment of fidelity and justice in the Northern States; that the honest masses have been misled, and have misunderstood this irritating question, as I believe they have, and upon proper consideration will go back to their duty as members of this confederacy, and will welcome back our Southern brethren to the great family of political, social, and moral equals. Our constitution and federal laws, I repeat, are well enough. Our obnoxious State laws should be repealed, and in their place a public sentiment should be set up and borne aloft, as the great lawgiver of olden times set up the brazen serpent, that every one who has been bitten by Abolitionism may look on it and be healed.

I will close as I began. I did not intend to take part in this meeting. I have no particular views but what I have often repeated; and my hope is, that by this respectable meeting a public sentiment may be inaugurated; and if it be as just, conservative, and beneficial, as I believe it to be, we may then properly so represent it to our Southern brethren, and no longer be misunderstood. We must look the danger fully and squarely in the face. We must not put too much trust in meetings, in Congress, or in legislation; but if we would remain an united people, we must treat the Southern States as we treated them on the inauguration of the government—as political equals. When we have done that, we shall have done our whole duty; and perhaps this glorious government may still be maintained and go forward to the fruition that should await it.

ADDRESS

ON TEMPERANCE; THE POLICY OF LICENSE LAWS, &C.

DELIVERED BEFORE THE NEW YORK STATE TEMPERANCE SOCIETY, AT ITS ANNUAL MEETING AT ALBANY, February 8, 1843.

Few subjects, in modern times, have commanded a greater share of public consideration than that of temperance. Its benign influences have been inculcated by philanthropists throughout the civilized world. The press has lent its giant power to disseminate its blessings, and the ministers of religion have mingled its precepts with the glad tidings of the gospel, in proclaiming peace on earth and good will to men.

In contrast, the evils of intemperance have been most vividly portrayed. The choicest figures of rhetoric and liveliest images of poetry have been invoked, and the pencil's mimic power has, with startling fidelity, thrown back from the canvas its hideous and loathsome deformity. But the painful and humiliating reality has not been shown, for in the history of intemperance, as in that of romance, "truth is stranger than fiction." It has been so often established, that the misery, pauperism, and crime, which burden and infest society are caused by intemperance, that to repeat it would be worse than gratuitous.

The salutary truth, that the effect produced upon the human system by stimulating drinks is highly deleterious, and that the physical and moral man is thereby degraded, is most generally conceded by all rational and reflecting men; and yet there are some strongholds of this scourge of the human race which have not surrendered. These are the dram-shops authorized by our excise system, and wine-drinking by the wealthy and influential.

The history of the last few years, marked as it has been by recklessness and profligacy—by a disregard of the sober pursuits of industry, and an apparent determination to reverse the divine declaration, that man should eat his bread by the sweat of his face—exhibits a period inauspicious for the cause of this salutary reformation. The fortunes, fancied and real, which have been wrecked; the unparalleled fluctuations in trade, and every department of business, by which thousands have been plunged from affluence to poverty, and goaded to madness and desperation, have driven many to drown their sorrows in the inebriating cup, though filled with greater bitterness and griefs more poignant than those which they would steep in the drowsy waters of forgetfulness. But this wild and fearful dream has passed away, leaving behind it traces of bleak and withering desolation; and the friends of temperance may well rejoice that their benevolent enterprise has outrode the storm unscathed, and apply themselves with renewed vigour to the completion of their work.

The excise system, which, in part, served as a precedent for our present excise law, was originally a mere inland duty or imposition charged upon general consumption, or retail sale, and was designed for purposes of revenue alone. It was adopted first among the Romans, by Augustus, after the civil wars, and continued by Tiberias and others in a modified form; and although it was suggested as the financial policy of Charles the First, by the treasurer of that monarch, who was the father of the system in England, it was not finally introduced there and acted upon until 1643, when it was adopted by the long parliament, after its rupture with the crown.

It was laid upon articles where it was supposed its hardships would be the least perceivable; and it was remarked by its founder in that country, in a spirit of short-sighted craftiness becoming a mere politician, that it must be so managed that the people would become accustomed to its exactions gradually.

The difficulties consequent upon levying and collecting the excise upon ale and liquors sold in ale-houses and dram-shops, by small measure, induced the system of licensing inns and ale-houses, and the paying of the excise in a gross sum, and subsequently to regulating them by law, and compelling them to

sell at *reasonable prices* ; which latter provision was unfortunately omitted, in framing the excise code of this State. The system of licensing and regulating ale-houses in England seems to have reached its zenith under the reign of George II., and although the wisdom of parliament was inadequate to the task of prescribing the number of beds and the kind of covering therefor, which it was proper and necessary each one should have, who should be authorized to sell by retail strong or spirituous liquors, as our statutes have kindly provided ; yet, the act of parliament contained one provision equally sensible with all the others of the excise laws of either country, and which was doubtless overlooked in engrafting the system of the mother country upon our own, as otherwise it would have been adopted. It was the creation of an officer called an "*ale taster*," whose business it was to visit from time to time, or at stated periods, the various ale-houses in a certain district, and, by tasting, ascertain the quality of the article, that the ale-drinking public should not be imposed on by that which was stale or spurious. This provision, being as wise, at least, as any other of our present system—having in view, as it has, the improvement and protection of the public morals, and particularly the public *taste*, and contemplating the creation of a new office at a time when the *demand* is at least equal to the *supply*—it is respectfully submitted that it should be incorporated at once into our excise code, if that is to be retained upon the statute book, with the trifling additional powers and duties of tasting rum and other liquors, as well as ale—and that the officer be denominated, by way of eminence, a "*rum taster*." In the process of drinking, like that of a rule in arithmetic, "*more requires more, and less requires less*," and it is insisted that the excise system invites and induces to drink as well as to sell *more*, and this operates as a facility rather than a preventive.

Our mongrel system of excise, composed of the oppressions of the Old World and the follies of the New, seems to have been framed with a view to the protection of morals, rather than the accumulation of revenue. It doubtless originated here, and certainly is kept on foot, by that mistaken and conceited policy, which believes that religion and morality can be infused by legislation ; that legislators, as such, are more upright than their constituents ; that the few are wiser than the many, and more

competent to prescribe a code of morals; and, in short, that the stream is purer than its fountain, and will ascend higher in its course.

Our statutes constitute the supervisor and justices of the peace of the several towns of this State commissioners of excise. They are required to meet on the first Monday of May in each year, and at such other times as may be designated by the supervisor. At these meetings of their board, they are authorized and required to give licenses, authorizing persons to keep inns or taverns, to sell strong and spirituous liquors, to be drank in their houses respectively, at all such points as they believe a public house necessary—requiring to be paid therefor a sum not less than five nor more than thirty dollars. The licenses are to be signed by the members of the board—the supervisor and justices of the peace—for which they are to receive, collectively, the sum of seventy-five cents for each license. This fortunate recipient of official favor is required on his part to sustain a good moral character, and to have two spare beds, with sufficient sheeting and covering for the same. Possessed then of these high requisites—a moral character, and two spare beds, he is next required—lest the benevolent intentions of this sage enactment should be defeated, and the thirst of the weary traveller should not be slaked at the proper point, through ignorance or inattention—to put up and keep up, on or adjacent to the front of his house, with his name thereon, a sign—indicating in some way that he keeps a tavern, and for an omission or neglect to put up and keep up such sign, he incurs a pecuniary penalty, and is guilty of a misdemeanor.

But lest some one who has not the mark of this legislative beast—the right to sell strong and spirituous liquors—should divide the patronage of the travelling public with his licensed neighbor, or that some weary traveller should be beguiled or led astray to a house where the intoxicating draught is not to be procured, the statute provides, that any one who shall put up a sign, indicating that he keeps an inn or tavern, who has not a license to sell strong or spirituous liquors, shall forfeit one dollar and twenty-five cents for every day he shall keep up such sign, and be adjudged guilty of a misdemeanor.

Thus it will be seen that the erection of a sign, indicating the keeping of a temperance house, is a violation of this law,

although no one has yet thought it profitable or desirable to attempt to enforce the penalty, and probably will not, until he shall be satisfied that the public mind is as stolid and corrupt as this law is ridiculous and shameless. Absurd and pernicious as has been the course of legislation upon this subject, it has not prohibited any one from entertaining either his neighbors or travellers, nor from receiving therefor a reasonable compensation—but he may not put up a sign unless he has authority to sell intoxicating drink. And upon the principle of the homely proverb, that it is a poor rule which will not work both ways, the law adjudges him who has liquor and a license, guilty of a misdemeanor unless he invites the public to partake by the erection of a sign.

In contemplating the provisions of this statute, it is difficult to determine whether it will be most becoming to treat it with that ridicule and mockery which is due to the height of human folly and absurdity, or to stand in silence, overwhelmed with shame, that enactments so reproachful and stupid should have found their way among the written laws of intelligent and civilized men. With all its absurdities, however, the excise law contains two sensible provisions, which shall be thrown into the opposing scale. It devotes the license fee to the sole purpose of defraying the expenses of the pauperism it helps to create—and, after authorizing the sale of intoxicating liquors to be drunk in the house, it very naturally calculates that lodging will necessarily follow; and hence legislation, in the plenitude of its justice and mercy, provides that there shall be at least two spare beds, with good sheets and *suitable covering*—and, it might have added, for man and *beast*.

By the history of the excise system, it will be seen that a measure which originated with that universal robber of nations, and was regarded by the Cæsars as one of exaction from their subjects and their slaves, has been gradually transformed with us, until it is hailed as the guardian genius of our purity, and the protector of the public morals.

It is justified under the plea of necessity—a plea which has been interposed in behalf of every absurd and oppressive measure which tyranny or ignorance ever inflicted on the human race, either in the old world or new: a plea under which, in Europe, foul and beastly dens of debauchery and licentiousness,

and murderous gaming hells are authorized and regulated by law: a plea which distrusts the virtue and intelligence of the mass, and their capacity for their own moral government, and which essays to make them virtuous and temperate according to the form of the statute in such case made and provided.

If the retailing of intoxicating liquor is in itself an immoral and detestable calling, it is none the less so, morally considered, because sanctified by legislative enactment; and if its drinking is ruinous and sinful if drank in defiance of law, it is equally so, although measured in the gill-cup of legislation, and drank pursuant to Article ix., title 9, ch. 20, of part first of the Revised Statutes.

While it is gratifying to reflect that the great mass of the friends of the temperance reform have wielded the moral rather than the political elements, and have directed their benevolent efforts to the judgment and the understanding—they have evidently beheld in regret and apparent despair the retailer of intoxicating liquor pursuing his murderous vocation, unaffected by the public opinion which they had believed so potent and paramount; and hence, as far as legislation has been invoked, it has been asked to add its restrictions and prohibitions, and multiply its pains, penalties, and misdemeanors.

In this application they have been answered by a legislative report from a distinguished source, in the language of philosophy, sublimity, and truth. It says, "a principle is deeply implanted in the human breast, which is ever averse to compulsion and impatient of restraint. A dictatorial statute, with its pains and penalties, might, by operating upon the fears, make a few hypocrites, but it could never make a single convert;" and it is added that "the fears which would be created by penal prohibition would yield in the minds of many to a sense of wounded pride, and injured independence—and the very inhibition would produce a repugnance to temperance, and excite a strong desire to taste the *forbidden fruit*."

The impious dogma, that mind can be successfully fettered and restrained, has been triumphantly exploded in a sister State. There, as here, they had seen the retailer, in defiance of public opinion, dealing out death and ruin by the gill. There, too, they cherished the system of excise which originated in paying tribute to Cæsar. They doubtless believed that this pursuit

was induced by an unusual depravity of heart of the retailer—that nothing but penal prohibitions would reach him effectually, and that such prohibitions would render the triumphs of benevolence complete. Their prayer was granted—the prohibitory laws were imposed, but the advocates of temperance were transferred from the moral to the political field, and were discomfited and signally overthrown; and the votaries of intemperance vauntingly inquired who was able to make war upon the beast. Thus it will ever be in a free government with those who attempt to rear a standard of morality by the stern commands of penal law. Like the conceited Persian monarch, they may cast fetters into the sea, but they cannot restrain the heavings of its bosom.

The retailing dram-shop is, in truth, the only stronghold of the enemy which has not yielded or been surrendered. It is his entrenchment to which he has been pursued, and in which he has taken refuge and fortified his position. The efforts of the past have proved that public opinion will not be able to take it by siege. Its walls are too impregnable to be battered down by storm, and no hope remains but for the legislative priests to surround it with their trumpets of eloquence, when its walls will totter and fall to the ground.

The fact that reputable men pursue the traffic, and maintain, in all respects, their relations in society, proves that they hold a position too strong for public opinion; and hence the necessity and propriety of devising means by which they may be summoned, like their fellow-men, to that great bar, and be made to bow in submission to its unerring decrees.

The retailer of intoxicating liquors, called by way of emphasis, the "*rum-seller*," has been held up by many advocates of temperance as a fit object for obloquy and scorn, and has been assigned a conspicuous niche in the world's pillory. Yet, bad and indefensible as is his pursuit, heartless and sordid as is his calling, he is not without his apology. Animals, when goaded beyond endurance, in their blind rage and ferocity, wreak their vengeance upon the weapon with which the wounds are inflicted, and heed not the cause nor the hand which directs it. But man, rational man, endowed with his boasted attributes of reason and reflection, should trace effects to their cause, and evils to their source. The prayer of Him who best knew the

infirmities of our nature was, Lead us not into temptation ; but our lawgivers, as if to reverse this divine sentiment by the power of legislation, have held up their allurements to appetite and cupidity, and have stimulated their indulgence by the sanctions of the law. It is by no means proposed to advocate the cause of the retailer, but to strike at the cause rather than the effect : to assail the workman rather than the instrument by which the mischief is accomplished ; to arraign, try, condemn and execute the whole excise system, and thus lay the axe at the root of this moral Upas—the retailing of intoxicating liquors by authority of law.

The whole system of restraints and indulgences, and of legislative interference in the ordinary affairs of life, is pernicious and indefensible—at war with every principle of political economy and sound legislation, and utterly subversive of public morals. The march of the temperance reformation is onward, but it can never attain to complete success until dram-shops shall be abolished, and men cease to drink according to statute ; and this, however desirable, will never be accomplished as long as they are upheld, sanctioned, and rewarded by law.

What, permit me to inquire, but the justification found in the statutes, induces respectable men to pursue a calling which they know is immoral, and strongly at war with public opinion, when, upon any and every other subject, they yield implicitly to its stern behests ? If the faithful monitor of his bosom has made its appeal, and a doubt has arisen, the excise law has been thrown into the scale, conscience has been silenced, and intemperance has triumphed. If the frown of indignant people has lowered too darkly upon the deadly calling, and the avenger has pursued too closely, he has flown to the excise law as his city of refuge, and clung for protection to the horns of this legislative altar. Is he admonished that he is sporting at a game where the destiny of mortals are the stakes and hazards. By a fresh reading of his license and of the statutes, he finds that his pursuit is there invited, justified, and rewarded. Does the heart-broken and distracted wife plead with tears and an angel's eloquence in behalf of her famishing and naked children. He lies down upon his pillow, and darkly mutters in his guilty dreams that he has kept the law.

He acts not upon his own high responsibilities, to his own

conscience, his neighbor, or his God; but, in self-communion and in his intercourse with his fellow-men, he points, like Shylock, to the language of the law. I am full well aware of the responsibility one incurs who assails systems, however erroneous, which have become matured by time, and have received, even negatively, the sanctions of experience. The proposition, too, to repeal the excise law, and permit every one to sell who chooses to do so, will doubtless be received by many ardent friends of the cause of temperance with apprehension and alarm. But when we reflect that under the present system every one sells and gives away, under various pretences, who chooses to do so, it will be seen that we have all the machinery, mischiefs, and sanctions of the statute, without any of its supposed or designed advantages. There is no greater danger of permitting every one to sell than there is of permitting every one to drink. Every man, woman, and child, have the right to drink the kind, quality, and quantity they please, without legal restraint or control, and the means is certainly within the reach of a great majority. Why then do they not drink? Because their own good sense and the public sentiment have condemned it. What has driven intoxicating drink from the tables of our respectable hotels and steamboats—from the festive board, and the room of the legislator? It is public opinion, unfettered and free. Repeal then this statute. Take away from the retailer the justification which it has hitherto afforded him. Leave him to his own responsibilities, and the tests of that ordeal from which there is no appeal on earth—public opinion—and Felix will tremble. His calling then comes home to his own integrity of heart with ten-fold power. The cries of the orphan and tears of the widow, the upbraidings of a guilty conscience, and the scorn of his fellow-men, will rise up in judgment against him. Evils as numerous and deadly as those which issued from the box of Pandora will spring up on every side of his pathway. The excise law, the commissioners, the license, are no longer scapegoats. He has paid no fee into the public treasury for leave to ruin his fellow-men. His detestable calling stands before him in all its native ugliness, and, like the headsman of Berne, he will shrink from and sicken at his trade. He will then be shorn of his strength, and be like other men. He will yield to public opinion, for opinion is then free and unobstructed.

It has been occasionally proposed to evade the operation of the excise law, by electing commissioners friendly to the cause of temperance, and inducing them, by making it a test question at the town elections, by importunities in the form of petitions and remonstrances, to withhold entirely licenses to sell intoxicating liquors. This has been done in some cases by good and conscientious men, but the consequences have not advanced the cause of either temperance or morals. The law has created the officer and charged him with a special duty which he has no right to disregard, if the requirements of the law under which he acts, however absurd, are complied with. Besides, it is transferring responsibility where it does not belong, and will inevitably, in every case, sooner or later, degenerate into a political scramble. The officers who refuse licenses one year will the next be assailed, as well by their political opponents as by the disappointed applicants and their hangers-on. They will usually in such cases be defeated, and the cause of temperance will return a soiled and sorry follower of the political camp. Every possible scheme has been invented to evade and counteract the effect of this law, and yet it is believed the legislature has never proposed to apply the only sensible and proper remedy—a repeal.

It is said of that celebrated and profound physician, Doctor Sangrado, that in the course of his extensive practice he adopted one system of treatment, irrespective of the disease. It consisted of profuse depletion and copious draughts of water. Notwithstanding the valuable services of this eminent practitioner, a strange mortality seemed to prevail among his patients. His assistants finally ventured to suggest: "Doctor, the patients are continually dying—their friends are becoming alarmed—it is evident something must be done—don't you think it best to vary the treatment somewhat, by way of experiment?" To which that distinguished practitioner was pleased to reply—"What! give up the system! Give up the system! I'd see every single patient I have die first."

So it is with the system of excise prescribed by the legislative Sangrados of former times for the people, although the depletion is of the purse, and the draughts, though copious, are not water. The patients are literally dying—the disease rages—the mortality increases—friends are becoming alarmed—the

benign efforts of benevolence have proved unavailing—every expedient under the present course of treatment has failed to cure us of the disease of retailing; and when it is asked, Don't you think it best to vary somewhat the prescription, merely by way of experiment? it has thus far been answered—What! give up the system! Give up the system! Let every member of the community perish and die first.

The sin which most easily besets us, and the error most incident to our nature, is to believe ourselves more virtuous than our fellow-men—gifted with superior capacities, higher powers of discrimination, and subject to less follies, foibles, and infirmities. No one distrusts his own ability for moral government—his power to resist temptation—to walk in the straight and narrow path of rectitude and virtue, and to turn with disgust and loathing from low and vicious pursuits and indulgences; while it is the constant tendency of his nature to prescribe artificial restraints and teachings for his fellows, lest, perchance, the great lessons of light and truth contained in the books of nature, reason, and revelation, should be misunderstood or disregarded. The despots of the Old World and their subjects, in recognition of the divine right of kings, so far underrate popular intelligence and patriotism, as to believe the people incapable of political government; while the rise and progress and exalted station of our towering republic has exploded their slavish theory, and proved the stability and safety, as well as the justice and equality of freedom of opinion. As advocates and participants of civil and religious freedom, it illy becomes us to doubt or distrust our own moral power; and when, in the exercise of that charity which we are commanded to extend to our fellow-men, we shall believe they are as wise and as virtuous as ourselves, we shall readily confide our own moral government to the keeping of public opinion, unaided by the arbitrary restraints of law. We have been so long in leading-strings as a people, that, like a child in its first unassisted efforts, we may reel and totter for a while from mere timidity and inexperience; but time will give confidence and moral vigor, and we shall walk erect in the exalted dignity of freemen.

It is feared by some that, if all statutory restraints are removed, the retailing of ardent or intoxicating liquors will be pursued by bad and vicious men. This will doubtless be so to

some extent, but it is believed that it will be confined to that class alone, and that the number of low grog-shops will not be increased, while every man who is not insensible to public sentiment will abandon the pursuit. We must not expect to perfect a system which will be exempt from the evil influences of the wicked and depraved. The history of mankind but too often bears upon its pages the record of human guilt and human frailty. The first born of woman slew the second. Thistles, also, and thorns, have sprung up in the moral as in the natural world—rapine, violence, and murder have often crossed our pathway; and the “soul is sick, the ear is pained, with every day’s report of wrong and outrage with which earth is filled.”

But when the sale of intoxicating drinks shall be confined to the vicious and abandoned; when the pursuit shall be deprived of the sanctions of the law, and the countenance of all virtuous men; when it shall be thrust without the pale of conventional life, and be driven for its hiding-place to the vile haunts of gaming, scandal, and obscenity, and ranked in law and morals with other crimes and misdemeanors, the great object of the temperance reformation will have been accomplished.

Who doubts that a low, tippling dram-shop, a laboratory where brutes and beggars are manufactured by the retailing of inebriating liquors, is as much a nuisance as a brothel, a pest-house, or a house of low and deceitful gaming; and who does not know that the common law is armed with abundant power to correct, or expel and abate it, but for the interposition of the statute authorizing and justifying its erection, and compelling its continuance when once erected, or even when a license is taken out.

Gaming, Sabbath-breaking, and profanity, together with other vicious practices and indulgences, are, like drunkenness, deemed offences against morality; and yet no one has proposed to authorize their pursuit under certain defined restrictions, with a view to elevate the standard of immorality, and place the offences, respectively, in better hands. A statute proposing to regulate and license gaming, so as to confine the pursuit to men of “*honor*”—to authorize Sabbath-breaking by men of “good moral character,” or to justify profane oaths, if sworn according to the form of the statute in such case made and provided, would meet with the contempt and ridicule which it would

justly merit ; and that, too, by those who are apologists, if not the advocates of the excise law. Statutes may be framed to aid the common law in punishing offences against society ; but they cannot tolerate, upon any terms or conditions, an acknowledged evil, and at the same time vindicate either their own justice or purity. Take away all statutory obstacles, and the salutary influences of the common law will come up to do battle in this great crusade for moral reformation. The common law walks hand in hand with morality and religion. Like the vast luminary of heaven, it imparts its genial influences to all the children of men. It visits the palace of affluence, and forgets not the tenant of the dungeon, where "the iron enters into the soul." It sits by him who is clad in purple and fine linen, and fares sumptuously every day, and lies down too with the humble beggar at his gate. It stretches out its hand at the cry of the orphan, and arrests in his career of rapacity the guilty and fraudulent oppressor. It stays up the hands of those who minister in the holy duties of religion, and drags to light and punishment the blear-eyed miscreant from the dens of crime and pollution. It serves as a shield for the defence of virtue, and a sword for the punishment of vice. It guarantees, like our great charter of freedom, the enjoyment of life and liberty, and the pursuit of happiness ; and wars only with those who forfeit all claims to its protection, and the confidence and respect of their fellow-men.

If we would leave the great and interesting question of temperance and morals to the guidance of public opinion and the common law, unshackled by the arbitrary restraints which ill-conceived legislation has thrown around it, we should find that all good citizens would yield submissively to that opinion which some have hitherto defied and disregarded ; and that the common law would vindicate itself. The contest would then be upon equal ground, and a complete and signal triumph would reward the efforts of those who have so long struggled in unequal combat with the vicegerents of legislation. It, too, would be a triumph, not of arbitrary power over unwilling subjects, yielding slavish submission to the iron rigor of the law, nor the success of a sect or party, who in their turn are destined to be overthrown by the next move upon the political shuffle-board, but the triumph of truth and philosophy over ignorance,

vice, and error; where the understanding has been enlightened, the judgment convinced, the heart rectified and chastened, and the whole moral and intellectual being elevated and dignified. But to accomplish these sublime results, opinion must be unfettered. If we would drain the foul morass or stagnant pool, all obstructions must be removed before impurity will find its level. If we would rid the dungeon of its foul and deadly vapor, it must be thrown open to the healthful current of the playful breeze and the cheering light of day; and if we would witness the triumph of truth and reason over ignorance, error, and delusion, opinion must be free.

But the efforts of benevolence to banish the evils of intemperance from society will prove unavailing unless aided by its blind and deluded votaries.

“Who would be free, themselves must strike the blow.”

Intemperance, though often the cause, is much oftener the effect of indolence and its kindred vices, which, like certain birds and animals, are gregarious. Nor is temperance a mere abstraction, consisting alone in abstaining from the use of inebriating drinks; nor can it be successfully cultivated in a soil where noxious weeds are cultivated, or suffered to shoot up in undisturbed luxuriance. Comparatively few who have been trained to some useful calling, and fewer still who prosecute such calling with industry and attention, contract habits of intemperance. This tyrant king has been deposed in the workshop of the mechanic, and driven from the field of the husbandman; but he still sits upon his throne, which partial and mistaken legislation has erected, dealing out his fiery curses; and nods over the wine-cup with the votaries of fashion and pleasure.

Next to the evils which flow from the retailing dram-shop, is that of habitual wine-drinking by the affluent and influential. Their example is mighty for good or for evil, and their responsibility fearful. They, too, are the professed friends of the cause of temperance, and of every benevolent enterprise; but like the publican, they have worshipped afar off—they have given of their abundance to disseminate the light of the gospel in heathen lands, and “when that the poor have cried, Cæsar hath wept.” They have lent their aid to banish the evils of intemperance, and, flushed with wine, have admonished the inebriate of an

ignoble death and a drunkard's grave, and have pointed to his weeping wife and breadless children. But they have not shown him the stern self-denial in indulgence, which alone can gain respect for sincerity, and add to precept the mighty influence of example. They would gladly prescribe a remedy for the cure of this moral leprosy, but cannot themselves submit to the pure and simple process of washing in Jordan.

The practice of wine-drinking, though justified for a time by many a plausible tissue of sophistry, is now acknowledged to be a mere indulgence, induced by no necessity, tending to no good end, and pursued only because it is the right and the choice of those who practise it, and adds to their pleasurable indulgence and gratification. But will not they forego this mischievous indulgence, if they can rescue from the fangs of intemperance the most degraded and abject of the human race? Let them look for a single moment upon this, as a fountain from which so much human degradation and misery flows. Turn for a moment from contemplating the splendor and magnificence of the monuments of wealth and enterprise, which adorn this city, to its narrow lanes and impure alleys, where squalid and houseless wretches remind us that the "foxes have holes, the birds of the air have nests, but the Son of man hath not where to lay his head." What ill-starred demon of malignity, with blight and desolation in his train, has scathed and blackened this portion of God's heritage, and written upon the fair image of our Maker the scowl of the fiends of darkness? It is intemperance! Intemperance which intoxicates the soul! Intemperance, which, more ruthless than Satan, spares not the sacredness of the domestic circle, nor the endearing fire-side of home. Around these hearths, so cold and desolate, no kindly affections cluster, no accents of tenderness or love gush from the fountains of the heart, no invocations to the living God ascend on high. Hope, that charmer of the world below, which cheers and gladdens the varied pathway of our pilgrimage with flowers of sweeter fragrance and deeper loveliness, and gilds the unseen hill-tops with a brighter and a fairer sunshine, has never entered these sombre portals. But the Promethean vulture of intemperance perpetually gnaws at their bleeding heart-strings. Let men band themselves together in one common cause, in expelling from their borders this fell enemy of their

race. Let woman raise her gentle voice at the domestic altar, and inculcate lessons of temperance, purity, and peace. Let her prepare the "fire fair blazing and the vestment warm;" light up her home with a resistless charm, and thus alleviate her own sufferings and sorrows, and contribute the influence of her example to dry the tears and soothe the anguish of her sex. Let children raise their little hands in testimony against this ferocious spirit which has come hither to torment them before their time, and dim with blood and tears the lustre of their birth-star. Let youth cry out against a vice which writes upon its own fair brow untimely wrinkles; and its curses tremble on the lip of drear old age. Fearful and successful ally of the great tempter of our race! How hast thou "glutted the grave with untimely victims, and helped to people the world of perdition." Under thy baleful influences, how many famishing and wretched children have lain shivering down on their beds of straw; how many, alas! have arisen to starve and curse the light; how many sighs have been wafted up to Heaven; how many bitter, unavailing tears have been shed; how many pure and gentle hearts have been crushed and broken; how many have been steeped in depravity and crime!

"How many pine in want and dungeon's gloom,
 Shut from the common air and common use
 Of their own limbs. How many drink the cup
 Of baleful grief, or eat the bitter bread
 Of misery. Sore pierced by wintry winds,
 How many shrink into the sordid hut
 Of cheerless poverty. How many shake
 With all the fiercer tortures of the mind,
 Unbounded passion, madness, guilt, remorse,

* * * * *

Thought fond man

Of these, and all the thousand ills,
 That one incessant struggle render life
 One scene of toil, of suffering, and of fate,
 Vice in his high career would stand appalled,
 And heedless, rambling impulse learn to think;
 The conscious heart of charity would warm,
 And her wide wish, benevolence, dilate;
 The social tear would rise, the social sigh;
 And into clear perfection, gradual bliss,
 Refining still, the social passions work."

LECTURE

UPON COMMERCIAL LAW AND POLITICAL ECONOMY.

DELIVERED BEFORE THE BINGHAMTON COMMERCIAL COLLEGE, February 15, 1861.

GENTLEMEN OF THE COMMERCIAL COLLEGE—Having been invited, by the kind partiality of your principals, to lecture before their institution upon Commercial Law and Political Economy, I appear for that purpose; premising that because of numerous, pressing, and varied engagements, my address must partake of hasty preparation, and I can expect to do little more than to present a general outline of subjects which, to be thoroughly understood, require the most patient study and elaborate examination. I shall, however, present you some familiar considerations, which will place the diligent student upon the track of investigation and aid him in that research, without which all knowledge must be superficial and imperfect. Political Economy and Commercial Law, though usually treated as separate branches of the science of government, in many of their characteristics are so intimately interwoven, that no line of demarcation can be successfully traced between them. Much that is Political Economy is Commercial Law, and much that belongs to Commercial Law is true Political Economy. In treating of them, therefore, separately, it should be remembered that the classifications are in some respects arbitrary, and might with equal propriety be arranged under different heads. Nor can an address upon these subjects, at this day, boast of much originality of thought. Both have been exhausted by the commentator, the historian, the statesman and the theorist; but it remains for the practical sense of the times to separate truth from falsehood, fact from fancy, and the experience of mankind from the dreamy speculations of the visionary. This will require the examination and compilation of history, sacred and

profane, from the primal condition of human society to the present, and to supply occasionally the absence of authority by indulging the lingerings of tradition.

COMMERCIAL LAW.

Commercial Law is that branch of the common law which is peculiarly applicable to mercantile contracts. The two grand divisions of general law relate to real property and personal property or personal rights; though there are many which hardly fall within either. Among the subjects embraced within the phrase commercial or mercantile law, or the law merchant, as it is frequently designated, are Bills of Exchange, Promissory Notes, Agency, Partnership, Sales, Navigation, Bankruptcy, Bailments, Carriers, Insurance, &c., either of which is sufficiently comprehensive for an elaborate treatise. It is that branch of the law which originated in the custom of merchants; partaking little of the imperial code of Rome, or the rigid exactions of feudal times, but made up from the various maritime codes of civilization.

Commercial law regulates and defines many of the most interesting relations of social life. It has grown up with the commerce which it regulates, commencing in obscure and humble beginnings, providing for and accommodating itself to the advancing necessities of society, until it forms one of the grandest edifices ever reared by human invention. It is the offspring of mercantile usage. Legislation has tardily and clumsily followed in its wake, making its usages declaratory law, but has retarded rather than advanced its benign principles. When trade was unimportant and despised, it needed little regulation, but as commerce increased, it expanded, despite the ruthless spirit of ignorance, and triumphed over the devastations of war. It was an early idea that the Law Merchant should be extended to none except such as strictly exercised that calling; and to this narrow and selfish policy the bar and a portion of the bench clung, until the days of Lord Mansfield, when it was repudiated by the more generous spirit of the times, and its principles were declared applicable to all.

Commercial intercourse between different nations commenced with the dispersion of mankind. The Ishmaelites, in Upper

Arabia, sold in Egypt spices, balm, myrrh and the sweet-scented woods of the East, and in one of their journeys purchased from his affectionate brethren, who had deposited him in a pit, as was said by a wag, because they thought it a fine opening for a young man of promise, and sold, on speculation, Joseph, afterwards Governor of Egypt. They were succeeded by the Phœnicians, a people of industry and enterprise, who established the first considerable naval power of the world, and founded the cities of Tyre and Sidon, which became emporiums of the universe. David and Solomon, the wise and favored kings of Judea, were assisted by this people in advancing their empire and equipping their fleets. Modern Tyre was more magnificent than ancient, and founded Carthage; and the Carthaginians, by the enterprising contributions of commerce, became masters of Sicily, Sardinia, and Spain. Egypt, under the Ptolemies, reached a point of extraordinary affluence and magnificence by extending encouragement to trade. The customs of Alexandria alone were about two millions of dollars annually. When the banners of all-conquering Rome waved over a subjugated world, though more engaged in robbery and rapine than trade, she encouraged commerce wherever her influence extended, and every city had its associations of trade. England, from the earliest reigns of its Saxon monarchs, was engaged in merchandise and navigation. When the Roman Empire declined, commerce declined with it, and gave place to irruptions of barbarous tribes who laid waste the productions of civilization. Venice, Genoa, the Germanic States, Spain, Portugal, and other cities of the olden time, attained their eminence through the profits of trade and commercial relations, until commerce became almost universal, and its great centres rested with England and other powerful nations.

It is worthy of especial notice that a maritime code, originating in the Island of Rhodes, nearly 500 years before the Christian era, for the government of its commerce and navigation, has been in many of its important provisions brought down to this day, and now forms a part of the established commercial law of England and the United States. Although the custom of merchants was recognized as a branch of the common law of England, in the early history of its jurisprudence, it was not until about 1765 that it was moulded to a structure

of exquisite proportions and finish by Lord Mansfield. For a time it was the practice of the English courts, while recognizing the control of the custom of merchants in commercial transactions, to regard such questions as questions of fact, and to require the custom to be proved by those versed in commercial dealings; but Lord Mansfield declared with emphasis, that the law of merchants and the law of the land is the same, and must be taken notice of accordingly, like any other branch of the common law. Having glanced at the origin, history, and progress of the commercial law, a few general branches will be briefly considered, and amongst them, Agency, or the legal relations of an agent to his principal and the public.

AGENCY.

An Agent is one appointed to act for another, and may be general in a certain matter or business, such as to sell or purchase property or both,—to loan or collect money, to superintend and oversee labor, to make contracts and insure against loss of life, health, or damage by fire; or he may be special, to do a particular thing and that only. No particular form of appointment is ordinarily necessary, though if he be appointed to convey or mortgage lands, or transact other business by deeds, his appointment must be evidenced by equal solemnity. For all other purposes he may be appointed by simple letter, or by verbal request, or an appointment may be inferred from the sanctioning of his dealings. As between the agent and his principal, the agent must pursue his instructions strictly, or he will render himself liable to his principal for any damage resulting from a departure; but whatever may be the private instructions of a principal to his general agent, when the agent acts in the matter of his agency, and those dealing with him in good faith suppose he has the power he is claiming to exercise, the question between the public and the principal is not what power the agent actually had, but what power, from the nature of the agency and the manner it was exercised by the agent, the public had a right to suppose he had; and by this rule the principal will be concluded: but if the agent exceed his power in a transaction, and those dealing with him know or have good reason to believe he is doing so, the principal is not bound by

such act of the agent. The appointment of a general agent, with no specified limitations upon the power, carries with it by implication the authority to employ in its exercise all customary, ordinary, and useful means, necessary or convenient to its complete and successful execution. The general agent may not delegate his power to another, unless the power of substitution is given in his appointment, for the reason that the principal is supposed to have relied upon his personal skill, sagacity, and integrity in a matter affecting his interests, and may not be willing to confide such interests to a stranger; but within the scope of his agency, he may do himself everything which his principal could do in the same matter, making himself personally responsible to his principal if he exceeds his authority or instructions.

USURY LAWS.

The interest of money and usury laws have engaged the consideration of the sovereign power from the early history of man; and whether regarded from the stand-point of Political Economy or of Commercial Law, are to-day as much a matter of contention as in the days of the Jews and Romans. Oceans of ink have been consumed in proving that usury laws are absurd, and tend to increase rather than to diminish the rate of interest; and many eloquent orations have been pronounced to the same end and purpose, and yet the common sense of mankind has remained unchanged. In these discussions the mole-eyed theories of the closet and the abstract philosopher have spun the fabric from the staple which avarice has furnished; and while the greedy instincts of gain have urged the abolition of usury laws upon the alleged ground that it was to make money cheap, the advance of this doctrine has been resisted inch by inch, with that sleepless energy which distrust, in a matter of such universal and absorbing interest, is sure to beget. The conflict over the usury laws has been one of the most ceaseless and persistent conflicts in the history of man. All states and nations have from time to time made and modified provisions upon the subject, with prohibitions and penalties more or less stringent and severe.

Under the Mosaic code, the taking of usury was prohibited,

and careful provisions upon the subject may be found in Exodus, Leviticus, and Deuteronomy. Usury then meant interest for mere use; the Jews regarded money as a treasure rather than an article of trade; and while they were not permitted to take usury of each other, they were permitted to take it of a stranger; but if the stranger was needy, they were not to give them their money upon usury, nor lend him victuals upon increase. It should be remembered that money, in this primitive age, meant what is now more generally termed *bullion*; and it has been suggested that this term may have originated from the golden calf made by the people from the Egyptian jewels, though I have never found this definition in very authentic history.

Greece had, in her earliest history, in lieu of a positive prohibition, a kind of statutory exhortation, advising that interest might be moderate; and moderate it was with a vengeance, for the usual rate was sixty per cent. per annum, and a loan for a trading voyage to the Euxine sea, which usually took six months, was thirty per cent.

Before usury laws in Rome, complaints shook the Eternal City to its moral foundations, because of the extortions of money-lenders; the nation had little commerce, and yet the rate was frequently fifty per cent. When she gathered her elements of jurisprudence from other nations, she rushed to the other extreme and limited her rate of interest at one per cent.; and the Lacinian law, which came next, forbade all interest whatsoever. This absurd and vacillating policy was that of a nation great in strength but greater in weakness; which conquered the world and fell a prey to herself; which was great in virtue, but greater in vicious and sensual delights; which cheered a Brutus when he swore by the blood of the violated Lucretia to extinguish every vestige of monarchy, and looked tamely on when the Prætorian cohorts offered the empire of the world at auction for money.

It is evident that much of the prejudice which has obtained against usury laws proceeded from the blind and fanatical spirit with which usurers were formerly treated. In the early history of England, Bracton, Fleta, and other civilians bear evidence to the abhorrence in which usury was held, and to the severity with which usurers were punished. King Alfred confiscated

the estate of the usurer, and ordained that he should not be buried in consecrated ground. Edward the Confessor banished the money-lender from England. Charlemagne, king of France, prohibited the taking of any interest. In the reign of King Henry VII., by the authority of the church, usurers were *damned*, and prohibited the realm (and it is not improbable that *in one respect* they are treated in the same manner now by the borrowers), and ranked in point of turpitude with murderers; and in Rome, while a thief forfeited only *double*, the usurer forfeited *fourfold* the amount unjustly taken. In the reign of Henry VIII., as commerce advanced, and money began to be more used to advance its interests, the rate of interest was fixed at ten pounds upon the hundred, per annum. But this not having the desired effect, the statute of 5th and 6th of Edward VI., after reciting that usury was an offence against the laws of God and man and was "*seized upon by divers greedy persons*," repealed the statute of Henry, and enacted a highly penal statute, prohibiting any interest whatever. The 13th of Elizabeth repealed the statute of Edward, and revived the statute of Henry VIII. In the reign of James I., the rate was reduced to eight pounds upon the hundred per annum; but it was expressly provided that it should not allow the taking of interest, in point of "*religion or conscience*." The 12th of Charles reduced the rate to six pounds upon the hundred, and the 12th of Anne to five pounds, and it has since received several changes and modifications.

Shylock hated Antonio because he was a Christian—

"But more, for that in low simplicity
He lends out moneys gratis, and brings down
The rate of usance here with us in Venice.
If I can catch him once upon the hip,
I will feed fat the ancient grudge I bear him."

"He hath disgraced me and hindered me of half a million; laughed at my losses, mocked at my gains, scorned my nation, thwarted my bargains, cooled my friends, heated mine enemies; and what's his reason? *I am a Jew.*"

For the last thirty years the Legislature of this State has annually been urged to repeal the usury laws. The petitions

have uniformly emanated from money-lenders in the city of New York ; and have originated, if they are to be believed, in the benevolent idea that such repeal would largely reduce the current rate of interest ; and these petitions have been seconded by Chambers of Commerce and Boards of Trade. It has never yet been clear to the ordinary comprehension, why money-lenders should be so anxious to reduce rates ; but it must undoubtedly proceed from that emotion of the human heart which the preachers denominate disinterested benevolence. That in a great moneyed centre like the city of New York, where commerce is king, and everything has a vendible price ; where natural laws of trade are stronger than artificial restraints ; that the ebbs and flows of commercial tides would regulate themselves, is by no means improbable ; but that there would be any material change from the present, no observing mind can believe. In the city of New York usury laws are now practically disregarded, and how would their repeal change it there ? But money would flow in, it is said, expecting a higher rate of interest, and would thus reduce rates by competition. But why does it not then flow in now ? Our rate is higher than that of Vermont, Massachusetts, Connecticut, New Jersey, Pennsylvania, Ohio, or Canada, and thus outbids them all. Besides, if money flows in to get a high rate, it must, by the same rule, flow away again, where it finds a low one. The truth is, it is one of those constant struggles between capital and labor, which has marked the history of the world's progress ; which is as ceaseless and deathless as the spirit of man. It has attended him since he left Eden to seek his fortunes in his own way, and will live with him till the last human heart shall cease to throb.

The great argument for the repeal of usury laws, and free trade in money, is, that money, like any other commodity, or any article of property, will, by competition, find its own value and be regulated accordingly in the markets of the world ; that like water it will seek its own level, and, like merchandise, be governed by demand and supply. These are certainly plausible theories, and are as true in the abstract as they are practically false and vicious. Of all the writers who have advocated the repeal of the usury laws ; of all the bulls of excommunication which have been fulminated from the commercial vatican ; of all the legislative speeches which have been launched against

them, charged with electro-magnetic sarcasm and eloquence, no one has ever met the question fully and fairly; but each has erected an imaginary antagonism, which has no real existence and then proceeded to its demolition with triumphant success.

It is true, in natural philosophy, that water will find its level, left to its own currents; but it is equally true, that, by the suction hose and absorbing sponges it may find any other level than its own, and be thrown where no natural law would ever have carried it;—and it is idle to suppose of money that it will work according to the laws which govern liquids, if subjected to the forcing pumps and hydraulic rams of modern legislation. There is no doubt that the price of horses is best regulated by the perfect freedom of competition,—by the laws of demand and supply. But, suppose in addition to the real horses of the country, legislation had turned brood-mare, and had produced, through the occult process of corporations and associations, for every real horse in the country, twenty pictures of horses, which were each to be of the value of a horse, and entitle the holder of one of them to a horse, if he would catch him; and which would be just as good as a horse, except when you desired to drive or ride him (when, if well secured by stocks—not neat stock, or farm stock, but State stocks—he would have more bottom than speed); and such associations should have the power of self-creation, and have the right to issue their imitation horses, and to withdraw them at pleasure, thus making them plenty or scarce;—the case would be far different. And the question would be the same, whether made scarce or plenty by the caprice of the manager, or the fluctuations of trade, made capricious by legislation.

The whole fallacy consists in having overshadowed every line of trade by artificial systems, stretching throughout the entire Union, and then seeking the application of natural laws; as though none of the laws which regulate capital and labor, and control demand and supply, had ever been subverted by legislation.

Gold and silver are not only the real but the conventional representatives of labor; they represent toil, the foundation upon which our social and political structure reposes. Bank notes represent a system of credit, created by the growing necessi-

ties of enterprise, and authorized and sanctioned by legislation; but, nevertheless, essentially artificial in gender, number, person and case, and requiring the application of artificial rules for its government. And no moon-struck philosophy can prove the adaptation of a natural system in the abstract, existing alone in cast-off theories, to one created entirely by legislative enactment. When we have one artificial system of trade or finance, we must have others; and if we create currency by legislation and place it in the control of individuals or corporations, with power to swell or depress the currents, as interest or convenience may suggest or dictate, and subject them to the fluctuations, panics, and depressions incident to a system of extended industry, we must surround such systems with artificial guards to restrain them within legitimate channels.

PARTNERSHIP.

The law of partnership or co-partnership, as it is frequently termed, is second to no other in commercial importance. It is a voluntary contract between two or more competent persons to place their money, enterprise, skill, labor, effects, or some or all of them, in lawful commerce or business, with the understanding that there shall be a community of profits and losses between them. All men of full age, and all unmarried women, not infants, are competent to enter into this near, confiding, and interesting relation; so that the young man about to enter upon life can scarcely fail, if worthy, to provide himself with a partner. Partners are divided into ostensible or general partners; or those who are in reality, and appear to the world as such; nominal partners, who are held out to the world as partners, but who in fact have no interest in the firm or business; dormant partners, whose names do not appear, but who are nevertheless silent partners in the business—sometimes called sleeping partners, a partnership in which young men sometimes engage, though the term *silent partners* is supposed to have no relation to ladies. The contracts of an ordinary co-partnership may be for a limited period, in which case the partnership expires by limitation, or during the pleasure of the parties, in which case either can dissolve the relation before the expiration of the period, by virtue of their equitable jurisdiction, for

various causes which prevent the success of the undertaking and jeopardize the capital invested, and the rights of parties and creditors; and amongst them fraud, incapacity, and disparity of temperament, irreconcilable controversies, &c., &c.—They are also terminated by bankruptcy or death.

As it is an established principle that a partnership can only be formed by the voluntary act of the parties, so when it is once formed no member can be added to it without the concurrence of all the partners of the original firm, thus virtually forming a new firm, with an additional member. And the introduction of a new member by the act of some, without the consent of all, works a dissolution. Thus if a single woman, member of a co-partnership, should marry one not a member of the firm, it would work a dissolution; upon the ground that it would introduce a stranger into the concern, who might not be agreeable to any of its members except herself; and perhaps upon the further ground, though upon this learned commentators are silent, that, having formed a more agreeable new relation, she could afford to relinquish the old one. But the law has dealt more generously with the single man who is the member of a firm, and enters into the marriage relation; for it in no wise disturbs his business arrangements or connections, but by its benign policy encourages the institution of marriage, and suggests to every business man, who embarks in the enterprise of trade and other transactions with partners, not to risk his all there, but to have his domestic affections safely invested in a life-long copartnership of his own. In addition to dissolution by marriage, which we have just considered, the next thing which works dissolution as specified by the commentator, is a dissolution by war. How dissolution by matrimony should have suggested a dissolution by war, immediately following and next in order, to the compiler, is a problem I know not how to solve, unless it is that both call for enlistments into unknown and hazardous service; both require brave men; both have their conquests; that the subjects of both have to march at the word of command; both have occasionally to practise the quick-step; both have sometimes been found unfaithful; both have occasionally deserted, and both have probably been drummed out of camp. But the dissolution by war is when members of the same firm are subjects or citizens of different states or

nations, and such states or nations are at war. This works a dissolution.

Partners are both principals and agents; principals in the management of their own interests, and agents in the management of the interests of other members of the firm. Partners must have some partnership name or style by which the firm shall be known; it may be by all the names, by one name & Co., or, as the modest young gentleman suggested to his father, who was about to admit him into partnership: "What name shall we give the firm?" inquired the father. "Suppose we call it John Smith & Father," responded the hopeful son. The addition to the name of one or more partners of & Co. is common, but this designation must represent a real party or parties; for it is a misdemeanor by statute to affix this addition, when there are no real parties to be represented by it. This statute is a modern provision, and was passed to prevent a repetition of frauds which were being practised under the pretence that this designation represented some individual of capital and character, and thus fraudulently obtaining credit.

The firm name is fixed to designate the transactions of the partnership, and for no other purpose, though they are sometimes laughably employed otherwise. In England, where the old-school merchants are more proverbial for devotion to routine than in this country, the rules of the Church required a notice specifying the parentage, age, and sex of every child presented for baptism, to be given the parish clerk, so many days in advance of the presentation; and a member of a celebrated house, having a child to christen, sent his notice accordingly: "A male child, six weeks of age, son of John Smith & Co."

We have thus far spoken only of general partners, who are entitled to share jointly, according to the prescribed ratio, in the profits, and who in the same manner must share the losses. But one may become a special partner by complying with the provisions of the statute, and be liable only to the extent of capital invested. Notice of this arrangement must be published according to statutory requirement; the name of the general partners only must be used in such partnership, without any such general designation as & Co., which is expressly prohibited. But this partnership, as now created and defined, is a mere creature of the statute.

In the general partnership each must devote his time and skill and labor in advancing the joint interests, unless otherwise provided, and neither can charge for time or services, unless it is expressly stipulated. Neither can apply the partnership property to the payment of his private debts, nor otherwise divert it from the purposes of the joint enterprise. The whole assets of the concern are first charged with the joint debts of the partnership, before either partner can appropriate to his private use, or before an execution against an individual partner for a private debt can attach; and if executions for private debts of the partners, or either of them, are levied upon the partnership property, upon proper application they will be postponed until the entire partnership debts are satisfied.

No particular form of agreement is necessary to constitute a partnership, but for the protection of the parties it should be definite, and the respective rights, obligations, and privileges of each should be clearly specified. In all ordinary cases it is as well verbal as written, and equally valid and binding. As to the public relation, all are co-partners who associate together in business and agree to share in the enterprise, and hold themselves out to the world as co-partners; and though the most usual mode of evidencing the association is by notice or advertisement, no such publication is necessary, and the obligatory relations upon all the partners are as binding without it as with it.

We have already considered the means by which partnerships may be formed, and it is of no less moment to understand what are the rights of all parties in interest upon their dissolution.

Those who have been members of a firm remain liable for all debts of the firm contracted during its existence. Upon the dissolution, a notice to the public through the papers of the dissolution will be sufficient to protect all parties. Not so with houses where the firm are dealing; for if any member of the dissolved firm would protect himself against further debts incurred on the faith and credit of the copartnership, with houses where the firm have dealings, he should give special notice to such house of the dissolution, or see that it is brought home to them, or he will be liable for new bills purchased in the name of the firm, notwithstanding the notice of dissolution published

in the public journals. Upon the dissolution each is an agent for winding up and closing the business, but neither has further power to bind his former associates.

NOTES.

Bills of exchange and promissory notes enter so largely into the everyday transactions of life that every well-informed mind must be familiar with the general doctrines concerning them, and no merchant, mechanic, or trader should enter upon business without understanding well the principles by which they are regulated. Story, Bailly, Chitty, and others have devoted large volumes to the subject. The reports of adjudged cases in Europe, in the Federal Courts of the United States, and in the several State Courts, abound with decisions disposing of the numberless questions which arise concerning them, and legislation has lent its officious aid to make that law which was law before; and, with its customary bungling, it has essayed to make that simple which was complex; plain that which was intricate, and clear that which was doubtful; but has generally ended, as legislation always does, when it attempts to make the common law declaratory, in making darkness visible, and furnishing a remedy worse than the disease.

A subject which has thus engaged the profoundest of learned commentators through years of laborious examination; which has presented for the decision of courts some of the most difficult questions ever before them, and has so often been the subject of legislative enactment, can at best be but glanced at in some of its most common and popular characteristics in a brief and hasty essay,—doing little more than to call the attention of the business man to the importance of the subject, and point him to the best sources of information. Although bills and notes are authorized and regulated by many principles common to both, and many topics, necessary to be discussed and examined, may properly be brought together, yet there are many others respectively applicable to each, which suggest the propriety and great utility of separating them in any notice they may receive, explaining their peculiar offices and characteristics. This view is especially suited to the exigencies of the occasion, when but a glance can be taken at either, where

transactions concerning promissory notes are of constant and ceaseless occurrence, and where bills of exchange are comparatively little employed or known. For the present, then, the doctrine of promissory notes will alone be considered.

A promissory note is an instrument by which one engages to pay another a certain sum of money. It may be written with pen or pencil; it may be payable to order or bearer—at a particular time, or on demand, or without mentioning any time of payment; it may be made payable at a particular place, or no place need be mentioned. Generally, when payable on demand, no demand is necessary before suit is brought; when no time is specified it is due presently. It must be payable absolutely, and not upon any condition nor out of any particular fund. It need not contain the words “for value received,” for the law implies value; but a note payable in specific articles must express consideration, though this last named instrument is more properly an agreement than a note; it is not recognized by the law merchant; it is not negotiable though payable to bearer, and really is entitled to none of the advantages and exemptions which belong to promissory notes. An instrument drawn up and signed with all the forms of a promissory note, has no legal inception, and has no existence in law, until it is delivered by some one authorized to do so, as evidence of a subsisting debt. If put in circulation without authority, no one receiving it, even for value, gains any title thereto, but it is as void as would be blank paper. After it has been once delivered and has valid existence, it is good in the hands of any one who receives it in the course of trade, *bona fide*, for value, before due, and without notice affecting its validity. But, taking it upon a precedent debt, or as collateral security, or under other circumstances when no value is parted with at the time, is not taking it for value in the course of trade within the rule; and if the maker has equities against it, he may set them up as a defence to it, in whole or in part, according to the circumstances of the case. The same rule as to setting up equities in defence, applies to it in the hands of a holder receiving it after maturity.

By statute, notes given for usurious consideration are invalid in the hands of a *bona fide* holder for value, and may be defended and recovery defeated accordingly, whenever the usurious

taint can be established. A note written over a name or names, placed there for the purpose of making a promissory note by one authorized so to write, is a good and valid promissory note; and so is a blank paper endorsed for the same purpose; but a note written over the name of one, with intent to defraud, is a forgery, and punishable as such, and the instrument is void. A note payable to the order of a fictitious person, if negotiated by the maker, is both by the statute and common law the same as a note payable to bearer, and may be transferred and prosecuted by the holder without endorsement. The owner of a lost negotiable note can recover upon it, after showing that it had valid existence, and was lost; but to entitle him to such recovery he must execute to the maker a bond with surety conditioned to indemnify him against it.

One of the most fruitful sources of controversy and litigation connected with promissory notes, relates to the liability of endorsers; when and under what circumstances they are held by demand of payment of the maker; non-payment; protest for non-payment, and notice to the endorsers. The notes we ordinarily see with endorsers are payable at a bank, intended to be discounted there for the accommodation of the maker, and do not furnish the best illustrations of the relative rights, privileges, and obligations of the respective parties. But the following case will show the general principles which govern the rights of maker, holder, and endorser of a promissory note. John Smith purchases of John Jones a store of goods valued at \$10,000, on a credit of ninety days, for which he is to give his note. He therefore takes the goods, and gives his note for the amount payable to the order of John Jones. John Jones purchases property of James Walker to the same amount, and gives this note in payment, endorsing it to Walker, and Walker procures it discounted at the bank, endorsing it himself. Now, although this note, payable to the order of Jones, has only the mere names of Jones and Walker on the back as endorsers, which is called endorsing in blank, yet in judgment of law the name of Jones has written over it, "pay to J. Walker or his order," or "pay to the order of J. Walker," and the name of Walker has written over it, "pay to the order of the Bank of Binghamton;" and any holder of the note has the right to fill up these blank endorsements with the words above written.

The main advantage of doing this is that, if the note be lost or stolen, no one can make title to it except the holder to whom it has been endorsed.

The note matures not at the end of ninety days, as it purports, but at the expiration of the ninety days with the addition of three days' grace, which time must be computed thus: exclude the day of date, count ninety days, and then add three days to the ninety; on the ninety-third day the note is due. But if the last day falls on the Sabbath or on a holiday, the law irreverently placing these days on the same footing, it is due the day previous, and payment must be demanded on the last day of grace, and not before or afterwards. If it is payable at a particular place, it must be presented there for payment at the close of the usual business hours of the day, and payment then and there demanded. If it is payable without specifying where, and the residence of the maker or his place of business be within the State, the presentment should ordinarily be made to the maker personally, or, if he is absent, at his dwelling or place of business. If the note is not paid on demand, as it probably will not be by one who has neglected it to so late an hour, especially in these revolutionary times, the next thing in the order of events is the protest. This in olden times had a meaning, and the non-payment is now evidenced by an instrument with a seal and abounding in solemnity, yet beyond the certificate of the notary, to be used as evidence in some cases, the protest is now but a part of the jargon of the law, and the endorser is as fully held on demand by one clothed by no official authority as with. But whether the demand is sanctioned by all the solemnities of official form or is made by an unofficial agent, it is essential that notice of demand and non-payment be given to the endorser. This should be done as soon after the dishonor of the note as is practicable. It may be served personally or by mail, directed to the post-office where he receives his correspondence. This notice may be sent to all the endorsers, and usually is, when it is the intention of the holder to fix all; or it may be sent to the last, leaving him to fix those before him. By the common law there was no joint liability between makers and endorsers; but now by statute they may all be prosecuted together, or any number separately, leaving the parties to the note to regulate and adjust their respective liabilities and equities between them-

selves by other litigation, if necessary to the protection of their rights.

LAW OF CARRIERS.

The importance of the Law of Carriers is attested by the records of commercial jurisprudence and the history of commerce and navigation from their earliest existence ; its interest has increased with the almost fabulous growth of trade and transit, and since the introduction of steam—that mighty reformer of the nineteenth century and universal motor, by the agency of which passengers and goods of all descriptions are hurried across the continent with a celerity akin to the transmission of light—it would be evidence of criminal stupidity in the business man who should be ignorant of the relative rights of carrier and carried. The law of carriers is divided into various branches, each of itself containing materials for an elaborate treatise, requiring the legal learning of a lifetime to master—beyond even a brief discussion in a single lecture, and in their nice distinctions out of the reach of any but the laborious lawyer ; but there are some branches which are interwoven with the every-day transactions of life, the general principles of which are plain and simple and easily understood, and yet are of the highest importance to every one who travels by land or by water, or who has property in transit. The law relating to the carriage of persons and of property will only receive attention. The carriage of passengers may not properly be ranged under the head of commercial law, but it is a subject of the first importance and interest, and so intimately interwoven with the law of carriers of property, and concerns the commercial man so deeply, that it may be briefly discussed as incidental to the law regulating the carriage of property.

The passenger in his transit must comply with all the reasonable regulations of the carrier. He must not be guilty of carelessness or negligence himself ; and if he receives injury partly from his own negligence and partly from the carelessness or negligence of the carrier, he can recover no damages for the injury, for the reason that he contributed a share of the negligence or carelessness which produced it. The carrier of passengers is not an insurer of their safety, for it is the policy of the law to leave a portion of the risk upon them, and thus call

their vigilance into action; but he is bound to use all care and caution as far as human foresight can go for the safety of his passengers, and if an accident occurs, and the passengers receive injury, the carrier is liable, if it is shown that it might possibly have been guarded against by human sagacity, skill, and vigilance. And the rule is the same, whether the negligence be that of the principal or the remotest servant or employee, or whether it consist of imperfect roads or carriages, or in open or secret defects, if the defects might have been detected and remedied by human skill or efforts.

But the rule is far different as between the carrier and his servants or employees, one of whom is injured by the carelessness of the other. If the carrier furnish proper roads (when they are owned by the carrier), carriages and means of propulsion, and employs proper persons to work them, and one employee is injured by the negligence of another, the injured party would have cause of action against his fellow-employee for *his* negligence, but none against the principal. Take the case of two railroad trains, one moving east and the other west. The conductor going east is out of time, and negligently runs into the train going west, by which collision many passengers are injured upon both trains, and the conductor, brakeman, fireman, &c., on the train going west are also injured. All the passengers injured would have a good cause of action not only against the careless conductor but against the company for the negligence of its servants. But the conductor and other injured employees on the western bound train would have no cause of action against the company, because the injury was occasioned solely by the carelessness of a fellow-employee. The reason of this rule is, that the law has made this its policy to incite employees or servants to greater care and vigilance, and upon the further ground that every employee is presumed to know the character and skill of his associates, and to take the risks of their negligence upon himself.

Carriers of goods consist of carriers without hire, who are charged only with slight diligence, and liable only for *gross neglect*; of private carriers for reward, who are charged with ordinary diligence, which means that care which every prudent man usually bestows upon his own property; and public carriers for hire called

COMMON CARRIERS.

The law relating to that branch of the service is of such universal and everyday application, that it should be as well understood in the counting-room and store-house as in the law office or the atmosphere of courts. The common carrier is regarded by law as an *insurer*, and is responsible for the property intrusted to him however lost or destroyed, except loss or destruction by the act of God or public enemies, which causes of loss the law, with more pertinence than reverence, has classed under the same heading.

The loss or damage of property entrusted to the carrier is, of itself, in the judgment of the law, evidence and sufficient proof of negligence—everything being negligence which the law does not excuse. This stringent rule was established to prevent those engaged in the carrying service from collusion with thieves and robbers, as well as from principles of general policy and convenience, and to favor and encourage commerce.

A common carrier is not only one who carries, or who carries for hire, but one who holds out his calling to the public, and undertakes for hire to transport the goods of such as choose to employ him from place to place. The carrier may limit his liability by special contract, but not by notices published or posted. He is bound to receive all goods in his line offered for transportation when compensation for carriage is tendered, and if he refuses to receive or transport, an action lies against him by the owner. There are, however, many reasonable checks upon this general rule, such as want of room, danger of riots—the nature of the goods being such as are likely to excite the popular rage, as, for instance, arms and ammunition on a Massachusetts railroad on their way to the nation of South Carolina; because they are brought at an unreasonable time, or are such as the carrier is not accustomed to carry.

The responsibility of the carrier commences when the goods are delivered to him, his agent, or servant, at his accustomed place of reception, with notice to those in charge, and does not cease until the goods reach their destination and are delivered according to direction. But the responsibilities of a carrier and warehouseman are far different. While the carrier is an insurer and liable for all loss or damage, except such as come by the

act of God or the public enemies, a warehouseman is not an insurer, and is bound only to ordinary diligence. The phrase, "act of God," by some writers is likened to and described as inevitable accident, though the learned Lord Mansfield refuted this term as not expressing the true liability of the carrier; because inevitable accidents might arise merely from human force or fraud, whereas destruction or damage by the act of God, in a legal sense, means something beyond the control of man, such as physical causes which are irresistible; loss by lightning, by storm, or the perils of the sea, or by inundation or earthquake; but a loss by fire does not excuse the carrier from his character of insurer of the goods committed to his care. By "public enemies," in the legal sense, is meant those with whom the state or nation is at open war and pirates on the high seas, who, by the universal laws of civilization, are regarded and treated as the enemies of mankind. But thieves and robbers, who depredate upon society, are not regarded as public enemies in the sense of the law applicable to carriers.

POLITICAL ECONOMY

The term politician was first employed in France about the middle of the 16th century, to designate one well versed in the policy of government—in regulating the affairs of a state or kingdom—since which time it has, by reason of base uses, been degraded to its present low estate, where it is suggestive, in its popular sense, of partisan brawlers, caucus engineers, and seedy-looking individuals with remarkably red noses. Political pertains to the administration of public affairs, and political *economy*, the regulation and management of a state's resources, and includes all measures calculated for general and individual advancement: Education, the administration of justice, currency, banking, the interest of money, usury laws, internal improvements, asylums, prisons, corporations, tolls, tariffs, and systems of taxation, wages of labor, and last, though not the least, involuntary servitude, are among the subjects embraced, and which have awakened the interests of the statesman and engaged the solicitude of the philanthropist from the organization of government. Political economy was designed for the improvement of mankind. Though its existence is coeval with civil

government, its history as a science may be dated from the publication of Dr. Adam Smith's *Wealth of Nations*, 1776. But Say, and McCullough, and Ricardo, and Bentham, and Malthus, and Abbe Raynal, and Wayland, and Miss Martineau, and numerous others from time to time, have erected their finger-boards along our political pathway with a general commingling of wise suggestions and crude and impracticable theories; while legislation, both State and national, has been chained past hope to the car of political parties. It is true that there are many subjects which receive the consideration due their importance, irrespective of party; but political partisanship has been the lion in the pathway of advancement in political economy, and has left it to its sad and silent progress in the tardy and expensive school of experience. From our earliest recollection the question of a tariff, as a specimen, has been a political football between contending parties; though a mere question of revenue which, in its internal and external relations, was one of the most abstract and subtle, demanding the best consideration of the wisest minds dispassionately exercised, it has been turned over to the stump and the hustings, to determine whether it should be of the protection and revenue standard upon one class of articles, and whether upon others the assessments should be specific or *ad valorem*; and thus has been degraded to the political arena what should have engaged the best consideration of statesmen.

Political economy, or the science of a nation's wealth, is but a generalization from individual interests; the wealth of a nation is the aggregated wealth of its citizens; one of its resources is the right of taxation; its power, moral and material, is the strength of its people. Every step in enlightened civilization has increased the resources of the many, and that constitutes a nation's wealth and a nation's glory.

That system of political economy is a true one, which educates and elevates the masses of the people; which dispenses equal, and exact, and speedy justice; which maintains a high standard of public and private morals; which encourages virtuous industry, and seeks to eradicate pauperism and crime; which confines the affairs of government to the administration of public affairs, and curtails its patronage within its narrowest limits consistent with the public necessities; which levies no

more taxation than an economical administration of the government requires; which demands a strict accountability in all its public agents, and more especially all entrusted with its finances, and turns over for condign punishment, and consigns to the world's pillory and to perpetual obloquy, all lobby legislators and public robbers and defaulters; which inculcates the simple but interesting and instructive truth that government is a consumer and not a producer; that it is the grave and not the resurrection of the fruits of industry, that it has no bounties but such as it collects from labor by taxation, and cannot therefore, bestow favors upon one except such as it takes from another; which acknowledges that a prosperous nation must export more than it imports, that an individual must produce more than he consumes, sell more than he purchases, or that he will soon become bankrupt; and that all non-producing classes must, from some means, have an income equal to or exceeding their expenditure, or starve, or live upon the public or private charity, or forbearance of others. These few plain, simple, and common-place rules are the foundation-stones of political economy, and support its stately framework. Their observance will give wealth and power to the nation, and prosperity, happiness, and peace to its people.

The speculations, nay, the eminently practical deductions upon this comprehensive science are endless, for there is no ramification of prosperity or adversity, of wealth or of poverty, of industry or indolence, of the rewards of virtue or the penalties of vice, to which it may not be extended, and in which, in its public relation, the commercial man should not be versed. In his private pursuits he will be in nearer sympathy with the provisions of commercial law affecting his daily transactions. In short, one of the most interesting branches of political economy is the administration of civil and criminal justice, and in the brief opportunity afforded by the present occasion we can more profitably discuss some practical rules than indulge in speculative though sublime theories.

MISCELLANEOUS.

There is yet another rule for the guidance of the young business man, more important than any to which I have adverted, and

without which the subtle deductions of political economy, and the ornate science of commercial law would be useless. It is not defined by the chapters of statutes, nor divided into sections ; nor has it grown up with the progress of civilization, to suit the demands of society, or answer the exigencies of trade : but it is coeval with human existence, and is written upon the tablet of every heart. It comprises a code of exquisite completeness for man's moral government, and points the pathway for his footsteps, which, carefully pursued, will place length of days in his right hand, and in his left riches and honor ; and it admonishes with startling significance of the terrible penalties which await those who disobey or seek to evade its mandates. This law is as unalterable as the renowned Medes and Persians fancied were their far-famed edicts. It—

“ Lives through all time,
Extends through all extent,
Spreads undivided,
Operates unspent.”

It is not taught in the schools, nor is study requisite to its possession ; but the young and old, the ignorant and the learned, the rich and the poor, the lofty and the low, understand it alike, by that spark of divinity which electrifies the soul and gives the conscience intuition. It is INTEGRITY—integrity, including all the cardinal and social virtues, which form a code for the moral government of man. It is a capital which never depreciates with fluctuations, is never at a discount, but is a sure reliance in every vicissitude and trial. It points to honorable success in life's pilgrimage with unerring certainty, and is both sword and shield to him who would wage, with the true heart of manhood, the great battle of life.

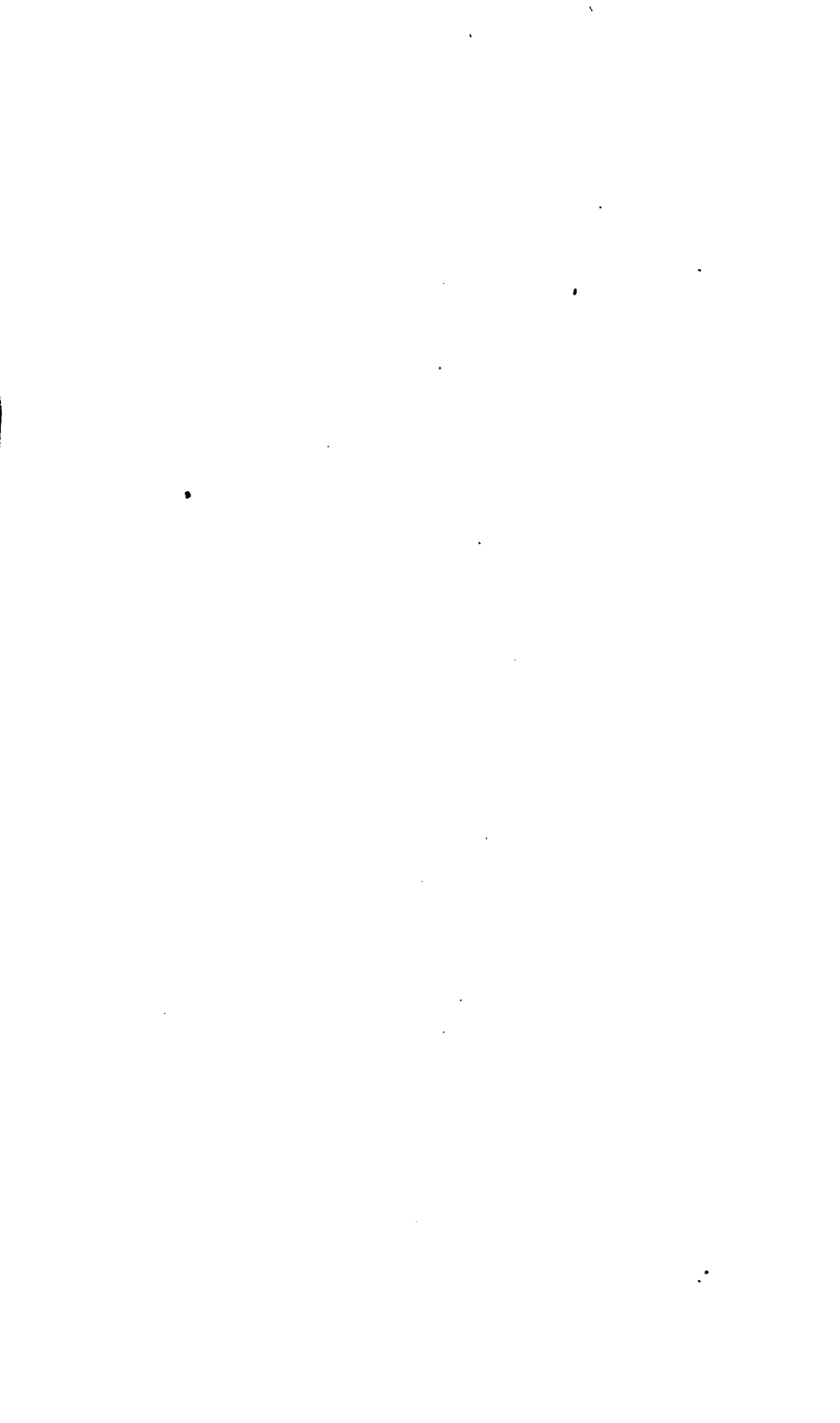
What though the tempests howl, the storm beat, the lightning flash, the thunder roar, and the angry ocean cast up its mire and dirt, he who holds fast to his integrity will outride the danger, and may laugh at the fury of the elements. His bow of promise will arch itself up again in the heavens, more beautiful than ever, as a living witness that truth can never die. The slaves of vice and the votaries of indolence and fraud may flourish for a season, but they perish by a law of being as fixed and certain as the power of gravitation ; and when they have

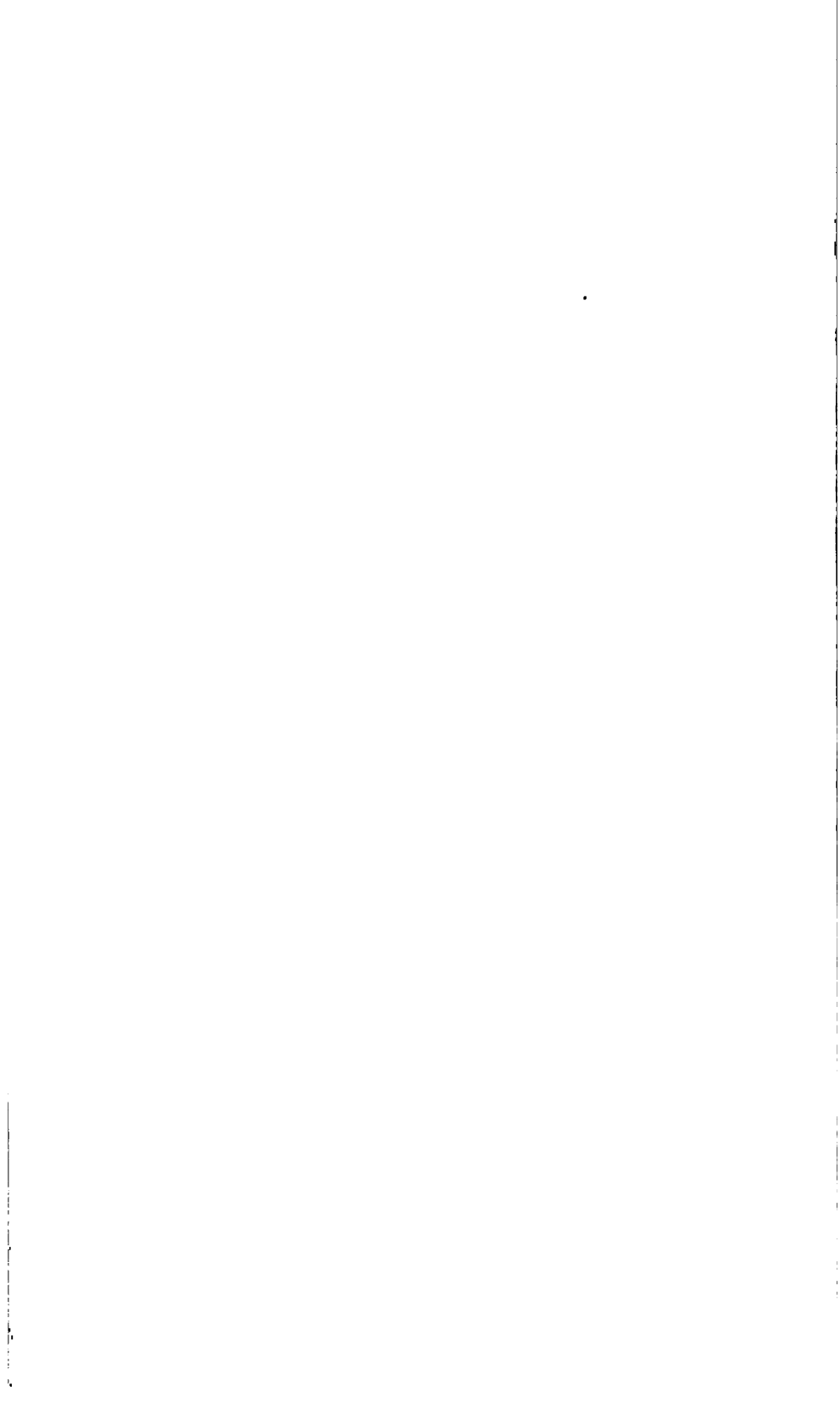
closed their ignoble existence, the devotees of truth will rise above their ruin, like the flowers of Spring upon the bleak desolations of Winter.

Go forth, then, young man, into this broad field of labor and hope and reward and peril; be temperate, industrious, frugal, and self-reliant; and whenever temptations shall cross your pathway and seek to allure you, pause and reflect—remember this time and occasion, this audience, your teachers, your associates, and him who now addresses you; and remember, too, and repeat, one word which I give you, as a talisman or charm, to shield and protect you from all evil, and bear you through life's journey in safety; and that word is INTEGRITY!

END OF VOLUME I.







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